



Council of the  
European Union

Brussels, 15 September 2023  
(OR. en)

12854/23

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**Interinstitutional File:  
2021/0218(COD)**

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**CODEC 1578  
ENER 481  
CLIMA 387  
CONSOM 313  
TRANS 345  
AGRI 504  
IND 461  
ENV 972  
COMPET 858  
PE 106**

#### **INFORMATION NOTE**

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From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

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Subject: Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive (EU) 2018/2001 of the European Parliament and of the Council, Regulation (EU) 2018/1999 of the European Parliament and of the Council and Directive 98/70/EC of the European Parliament and of the Council as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652

- Outcome of the European Parliament's first reading  
(Strasbourg, 11 to 14 September 2023)

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#### **I. INTRODUCTION**

In accordance with the provisions of Article 294 of the TFEU and the Joint declaration on practical arrangements for the codecision procedure<sup>1</sup>, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this file at first reading.

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<sup>1</sup> OJ C 145, 30.6.2007, p. 5.

In this context, the Chair of the Committee on Industry, Research and Energy (ITRE), Cristian-Silviu BUȘOI (EPP, RO), presented on behalf of ITRE a compromise amendment (amendment number 81) to the abovementioned proposal for a Directive, for which the rapporteur Markus PIEPER (EPP, DE) had prepared a draft report. This amendment had been agreed during the informal contacts referred to above. No other amendments were tabled.

## II. VOTE

When it voted on 12 September 2023, the plenary adopted the compromise amendment (amendment number 81) to the abovementioned proposal for a Directive. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto<sup>2</sup>.

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

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<sup>2</sup> The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in *bold and italics*. The symbol "■" indicates deleted text.

**P9\_TA(2023)0303**

## **Renewable Energy Directive**

**European Parliament legislative resolution of 12 September 2023 on the proposal for a directive of the European Parliament and of the Council amending Directive (EU) 2018/2001 of the European Parliament and of the Council, Regulation (EU) 2018/1999 of the European Parliament and of the Council and Directive 98/70/EC of the European Parliament and of the Council as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652 (COM(2021)0557 – C9-0329/2021 – 2021/0218(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0557),
- having regard to the Commission proposal to Parliament and the Council (COM(2022)0222),
- having regard to Article 294(2), Article 114, Article 192(1) and Article 194(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0329/2021),
- having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
- having regard to Article 294(3) and Article 192(1) of the Treaty on the Functioning of the European Union,
- having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
- having regard to the opinion of the European Economic and Social Committee of 9 December 2021<sup>1</sup> and of 13 July 2022<sup>2</sup>,

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<sup>1</sup> OJ C 152, 6.4.2022, p. 127.

<sup>2</sup> OJ C 443, 22.11.2022, p. 145

- having regard to the opinion of the Committee of the Regions of 28 April 2022<sup>1</sup>,
  - having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 16 June 2023 to approve Parliament’s position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
  - having regard to Rules 59 and 40 of its Rules of Procedure,
  - having regard to the opinions of the Committee on Development, the Committee on the Environment, Public Health and Food Safety, the Committee on Transport and Tourism, the Committee on Regional Development and the Committee on Agriculture and Rural Development,
  - having regard to the report of the Committee on Industry, Research and Energy (A9-0208/2022),
1. Adopts its position at first reading hereinafter set out<sup>2</sup>;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> OJ C 301, 5.8.2022, p. 184.

<sup>2</sup> This position replaces the amendments adopted on 14 September 2022 (OJ C 125, 5.4.2023, p. 398).

**Position of the European Parliament adopted at first reading on 12 September 2023 with a view to the adoption of Directive (EU) 2023/... of the European Parliament and of the Council amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular *Articles* 114, *192(1)* and 194(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the *opinions* of the European Economic and Social Committee<sup>7</sup>,

Having regard to the opinion of the Committee of the Regions<sup>8</sup>,

Acting in accordance with the ordinary legislative procedure<sup>9</sup>,

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<sup>7</sup> OJ C 152, 6.4.2022, p. 127 and OJ C 443, 22.11.2022, p. 145.

<sup>8</sup> OJ C 301, 5.8.2022, p. 184.

<sup>9</sup> Position of the European Parliament of 12 September 2023.

Whereas:

- (1) ***In the context of the European Green Deal, set out in the communication from the Commission of 11 December 2019 (the “European Green Deal”), Regulation (EU) 2021/1119 of the European Parliament and of the Council<sup>10</sup> established the objective of climate neutrality in the Union by 2050 and an intermediate target of a reduction of net greenhouse gas emissions by at least 55 % compared to 1990 levels by 2030. The Union’s climate neutrality objective requires a just energy transition which leaves no territory or citizen behind, an increase in energy efficiency and significantly higher shares of energy from renewable sources in an integrated energy system.***

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<sup>10</sup> ***Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (‘European Climate Law’) (OJ L 243, 9.7.2021, p. 1).***

- (2) Renewable energy plays a fundamental role in achieving *those objectives*, given that the energy sector *currently* contributes over 75 % of total greenhouse gas emissions in the Union. By reducing those greenhouse gas emissions, renewable energy *can* also *contribute* to tackling **■** challenges *related to the environment*, such as *the loss of* biodiversity, *and to reducing pollution in line with the objectives of the Commission communication of 12 May 2021, entitled ‘Pathway to a Healthy Planet for All EU Action Plan: “Towards Zero Pollution for Air, Water and Soil”’. The green transition to a renewable energy based economy will help to achieve the objectives of Decision (EU) 2022/591 of the European Parliament and of the Council<sup>11</sup>*, which also aims to protect, restore and improve the state of the environment by, *inter alia*, halting and reversing biodiversity loss. The fact that renewable energy reduces exposure to price shocks compared to fossil fuels can give renewable energy a key role in tackling energy poverty. Renewable energy can also bring broad socio-economic benefits, creating new jobs and fostering local industries while addressing growing domestic and global demand for renewable energy technology.

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<sup>11</sup> *Decision (EU) 2022/591 of the European Parliament and of the Council of 6 April 2022 on a General Union Environment Action Programme to 2030 (OJ L 114, 12.4.2022, p. 22).*

- (3) Directive (EU) 2018/2001 of the European Parliament and of the Council<sup>12</sup> sets a binding overall Union target to reach a share of at least 32 % of energy from renewable sources in the Union's gross final consumption of energy by 2030. Under the **2030 Climate Target Plan, set out in the Commission communication of 17 September 2020, entitled ‘Stepping up Europe’s 2030 climate ambition: Investing in a climate-neutral future for the benefit of our people’**, the share of renewable energy in gross final consumption of energy would need to increase to 40 % by 2030 in order to achieve the Union’s greenhouse gas emissions reduction target. **In that context, in July 2021, as part of the package delivering on the European Green Deal, the Commission proposed to double the share of renewable energy in the energy mix by 2030, compared to 2020, to reach at least 40 %.**
- (4) **The general context created by Russia’s invasion of Ukraine and the effects of the COVID-19 pandemic has led to a surge in energy prices across the Union, thus highlighting the need to accelerate energy efficiency and increase the use of renewable energy in the Union. In order to achieve the long-term objective of an energy system that is independent of third countries, the Union should focus on accelerating the green transition and ensuring an emission-reducing energy policy that reduces dependence on imported fossil fuels and that promotes fair and affordable prices for Union citizens and undertakings in all sectors of the economy.**

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<sup>12</sup> Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).



- (5) *The REPowerEU Plan set out in the Commission communication of 18 May 2022 (the ‘REPowerEU Plan’) aims to make the Union independent from Russian fossil fuels well before 2030. That communication provides for the front-loading of wind and solar energy, increasing the average deployment rate of such energy as well as for additional renewable energy capacity by 2030 to accommodate the higher production of renewable fuels of non-biological origin. It also invited the co-legislators to consider establishing a higher or earlier target for the increased share of renewable energy in the energy mix. In that context, it is appropriate to increase the overall Union renewable energy target to 42,5% in order to significantly accelerate the current pace of deployment of renewable energy, thereby accelerating the phase-out of the Union’s dependence on Russian fossil fuels by increasing the availability of affordable, secure and sustainable energy in the Union. Beyond that mandatory level, Member States should endeavour to collectively achieve an overall Union renewable energy target of 45 % in line with the REPowerEU Plan.*

- (6) *The renewable energy targets should go hand-in-hand with the complementary decarbonisation efforts on the basis of other non-fossil energy sources towards reaching climate neutrality by 2050. Member States should be able to combine different non-fossil energy sources in order to achieve the objective of the Union to become climate neutral by 2050, taking into account their specific national circumstances and the structure of their energy supply. In order to achieve that objective, the deployment of renewable energy in the framework of the increased binding overall Union target should be integrated into complementary decarbonisation efforts involving the development of other non-fossil energy sources that Member States decide to pursue.*

(7) *Innovation is key to the competitiveness of renewable energy. The European Strategic Energy Technology Plan set out in the Commission communication of 15 September 2015 entitled ‘Towards an Integrated Strategic Energy Technology (SET) Plan: Accelerating the European Energy System Transformation(the ‘SET-Plan’) aims to boost the transition towards a climate neutral energy system through actions for research and innovation, which address the whole innovation chain, from research to market uptake. In their integrated national energy and climate plans submitted pursuant to Article 3 of Regulation (EU) 2018/1999 of the European Parliament and of the Council<sup>13</sup>, Member States set national objectives and funding targets for public and, where available, private research and innovation relating to the Energy Union, including, where appropriate, a timeframe for when the objectives should be met; reflecting the priorities of the Energy Union Strategy set out in the Commission communication of 25 February 2015 entitled, ‘A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy’, and, where relevant, of the SET-Plan. To complement their national objectives and funding targets, to promote the production of renewable energy from innovative renewable energy technology and to safeguard the continued leadership of the Union in research and development of innovative renewable energy technology, each Member State should set an indicative target for innovative renewable energy technology of at least 5 % of newly installed renewable energy capacity by 2030.*

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<sup>13</sup> *Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).*

- (8) *In accordance with Article 3 of Directive (EU) .../... of the European Parliament and of the Council<sup>14+</sup> and in line with Commission Recommendation (EU) 2021/1749<sup>15</sup>, Member States should take an integrated approach by promoting the most energy efficient renewable source for any given sector and application, as well as by promoting system efficiency, so that the least energy is required for any given economic activity.*
- (9) *The amendments set out in this Directive are also intended to support the achievement of the Union’s target of an annual production of sustainable biomethane of 35 billion cubic meters by 2030, set out in the Commission staff working document of 18 May 2022 accompanying the REPowerEU Plan, entitled ‘Implementing the Repower EU Action Plan: Investment needs, hydrogen accelerator and achieving the bio-methane targets’, thereby supporting security of supply and the Union’s climate ambitions.*

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<sup>14</sup> Directive (EU) .../... of the European Parliament and of the Council of ... on energy efficiency and amending Regulation (EU) 2023/955 (OJ L ...).

<sup>+</sup> *OJ: Please insert in the text the number of the Directive contained in document PE-CONS 15/23 (2021/0203(COD)) and insert the number, date and OJ reference of that Directive in the footnote.*

<sup>15</sup> *Commission Recommendation (EU) 2021/1749 of 28 September 2021 on Energy Efficiency First: from principles to practice — Guidelines and examples for its implementation in decision-making in the energy sector and beyond (OJ L 350, 4.10.2021, p. 9).*

- (10) There is growing recognition of the need **to align** bioenergy policies with the principle of the cascading use of biomass. That principle aims to achieve the resource efficiency of biomass use by prioritising, wherever possible, the material use of biomass over its energy use, thus increasing the amount of biomass available within the system. Such an alignment is intended to ensure fair access to the biomass raw material market for the development of innovative, high value-added bio-based solutions and a sustainable circular bioeconomy. When developing support schemes for bioenergy, Member States should therefore take into consideration the available supply of sustainable biomass for energy and non-energy uses and the maintenance of the national forest carbon sinks and ecosystems, as well as the principle of the circular economy, the principle of the cascading use of biomass and the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council<sup>16</sup>. ■ . In line with the principle of the cascading use of biomass, woody biomass should be used according to its highest economic and environmental added value in the following order of priorities: wood-based products, extending the service life of wood-based products, re-use, recycling, bioenergy and disposal. Where no other use for woody biomass is economically viable or environmentally appropriate, energy recovery helps to reduce energy generation from non-renewable sources. Member States' support schemes for bioenergy should therefore be directed to such feedstocks for which little market competition exists with the material sectors, and whose sourcing is considered positive for both climate and biodiversity, in order to avoid negative incentives for unsustainable bioenergy pathways, as identified in the *2021 report of the Commission's Joint Research Centre, entitled 'The use of woody biomass for energy production in the EU'*. At the same time, in **implementing measures ensuring the application of** the principle of the cascading use of biomass, it is necessary to recognise the national specificities which guide Member States in the design of their support schemes. ***Member States should be allowed to derogate from that principle in duly justified circumstances, for example where required for security of energy supply purposes, such as in the case of particularly severe cold conditions. Member States should also be allowed to derogate from that principle where there are no industries or processing facilities that could make higher added value use of certain feedstocks within a geographical perimeter. In such a case, transport beyond that***

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<sup>16</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

*perimeter for the purpose of such a use might not be justified from an economic or environmental point of view. Member States should notify any such derogations to the Commission. Member States should not grant direct financial support for the production of energy from saw logs, veneer logs, industrial grade roundwood, stumps and roots. For the purpose of this Directive, tax benefits are not considered to be direct financial support.* Waste prevention, reuse and recycling of waste should be the priority option. Member States should avoid creating support schemes which would be counter to targets on treatment of waste and which would lead to the inefficient use of recyclable waste. Moreover, in order to ensure more efficient use of bioenergy, Member States should not **grant new support or renew any support for** electricity-only plants, unless the installations are *located* in regions with a specific use status as regards their transition away from fossil fuels **or in the outermost regions referred to in Article 349 TFEU**, or the installations use carbon capture and storage.

- (11) The rapid growth and increasing cost-competitiveness of renewable electricity production can be used to satisfy a growing share of the demand for energy, for instance using heat pumps for space heating or low-temperature industrial processes, electric vehicles for transport, or electric furnaces in certain industries. Renewable electricity can also be used to produce synthetic fuels for consumption in hard-to-decarbonise transport sectors such as aviation and maritime transport. A framework for electrification needs to enable robust and efficient coordination and expand market mechanisms to match both supply and demand in space and time, stimulate investments in flexibility, and help integrate large shares of variable renewable energy generation. Member States should therefore ensure that the deployment of renewable electricity continues to increase at an adequate pace to meet growing demand. *To that end*, Member States should establish a framework that includes market-compatible mechanisms to tackle the remaining barriers to having secure and adequate electricity systems fit for a high level of renewable energy, as well as storage facilities fully integrated into the electricity system. In particular, *that* framework *should* tackle the remaining barriers, including non-financial ones such as the lack, on the part of authorities, of sufficient digital and human resources to process a growing number of permit applications.

- (12) When calculating the share of **renewable energy** in a Member State, renewable fuels of non-biological origin should be counted in the sector where they are consumed (electricity, heating and cooling, or transport). To avoid double-counting, the renewable electricity used to produce those fuels should not be counted. That would result in a harmonisation of the accounting rules for those fuels throughout Directive (EU) 2018/2001, regardless of whether they are counted for the overall renewable energy target or for any sub-target. It would also allow the real energy consumed to be counted, taking account of energy losses in the process to produce those fuels. Moreover, it would allow renewable fuels of non-biological origin imported into and consumed in the Union to be counted. ***Member States should be allowed to agree, via a specific cooperation agreement, to count the renewable fuels of non-biological origin consumed in a given Member State towards the share of gross final consumption of energy from renewable sources in the Member State where they were produced. Where such cooperation agreements are put in place, unless agreed otherwise, Member States are encouraged to count the renewable fuels of non-biological origin that are produced in a Member State other than the Member States where they are consumed as follows: up to 70 % of their volume in the country where they are consumed and up to 30 % of their volume in the country where they are produced. Agreements between Member States can take the form of a specific cooperation agreement made via the Union’s renewable development platform, launched on 29 November 2021.***



- (13) **Cooperation between Member States** to promote renewable energy can take the form of statistical transfers, support schemes or joint projects. It allows for a cost-efficient deployment of renewable energy across Europe and contributes to market integration. Despite its potential, cooperation **between Member States** has been very limited, thus leading to suboptimal results in terms of efficiency in increasing renewable energy. Member States should therefore be obliged **to establish a framework for cooperation on joint projects by 2025. Within such a framework, Member States should endeavour to establish at least two joint projects by 2030. In addition, Member States whose annual consumption of electricity exceeds 100 TWh should endeavour to establish a third joint project by 2033.** Projects financed by national contributions under the Union renewable energy financing mechanism established by Commission Implementing Regulation (EU) 2020/1294<sup>17</sup> would meet that obligation for the Member States involved.

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<sup>17</sup> Commission Implementing Regulation (EU) 2020/1294 of 15 September 2020 on the Union renewable energy financing mechanism (OJ L 303, 17.9.2020, p. 1).

- (14) *In its Communication of 19 November 2020, entitled ‘An EU Strategy to harness the potential of offshore renewable energy for a climate neutral future’, the Commission introduced an ambitious objective of 300 GW of offshore wind and 40 GW of ocean energy across all the Union’s sea basins by 2050. To ensure that step change, Member States will need to work together across borders at sea-basin level. Regulation (EU) 2022/869 of the European Parliament and of the Council<sup>18</sup> requires the Member States to conclude non-binding agreements to cooperate on goals for offshore renewable energy generation to be deployed within each sea basin by 2050, with intermediate steps in 2030 and 2040. Publishing information on the volumes of offshore renewable energy that the Member States intend to achieve through tenders increases transparency and predictability for investors and supports the achievement of the goals for offshore renewable energy generation. Maritime spatial planning is an essential tool to ensure the coexistence of different uses of the sea. Allocating space for offshore renewable energy projects in maritime spatial plans is needed to enable long-term planning, to assess the impact of those offshore renewable energy projects and to ensure public acceptance of their planned deployment. Enabling the participation of renewable energy communities in joint projects on offshore renewable energy provides a further means by which to enhance public acceptance.*

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<sup>18</sup> *Regulation (EU) 2022/869 of the European Parliament and of the Council of 30 May 2022 on guidelines for trans-European energy infrastructure, amending Regulations (EC) No 715/2009, (EU) 2019/942 and (EU) 2019/943 and Directives 2009/73/EC and (EU) 2019/944, and repealing Regulation (EU) No 347/2013 (OJ L 152, 3.6.2022., p. 45).*

- (15) The market for renewables power purchase agreements is rapidly growing and provides a complementary route to the market of renewable **■** generation in addition to support schemes by Member States or to selling directly on the wholesale electricity market. At the same time, the market for renewables power purchase agreements is still limited to a small number of Member States and large undertakings, with significant administrative, technical and financial barriers remaining in large parts of the Union's market. The existing measures *provided for* in Article 15 of *Directive (EU) 2018/2001* to encourage the uptake of renewables power purchase agreements should therefore be strengthened further, by exploring the use of credit guarantees to reduce the financial risks of such agreements, taking into account that those guarantees, where public, should not crowd out private financing. ***In addition, measures in support of renewables power purchase agreements should be extended to other forms of renewable energy purchase agreements, including, where relevant, renewables heating and cooling purchase agreements. In that context, the Commission should analyse the barriers to long-term renewable energy purchase agreements, in particular to the deployment of cross-border renewable energy purchase agreements, and issue guidance on the removal of those barriers.***

- (16) *Further streamlining of administrative permit-granting procedures may be needed to eliminate unnecessary administrative burdens for the purpose of establishing renewable energy projects and related grid infrastructure projects. Within two years of the entry into force of this Directive and on the basis of the integrated national energy and climate progress reports submitted pursuant to Article 17 of Regulation (EU) 2018/1999* ■ , the Commission should *consider whether additional measures are needed to further support the Member States in the implementation of the provisions of Directive (EU) 2018/2001 regulating permit-granting procedures, including in view of the requirement of the contact points set up or designated pursuant to Article 16 of that Directive to ensure the fulfilment of the deadlines for the permit-granting procedures set out in that Directive. It should be possible for such additional measures to include indicative key performance indicators on, inter alia, the length of permit-granting procedures regarding renewable energy projects located in and outside renewables acceleration areas.*

- (17) Buildings have a large untapped potential to contribute effectively to the reduction in greenhouse gas emissions in the Union. The decarbonisation of heating and cooling *in buildings* through an increased share in production and use of renewable energy will be needed to meet the ambition *provided for* in *Regulation (EU) 2021/1119* to achieve the Union objective of climate neutrality. However, progress on the use of *renewable energy* for heating and cooling has been stagnant over the last decade, largely relying on increased use of biomass. Without the establishment of *indicative shares* of renewable energy in buildings, *it will not be possible* to track progress and identify bottlenecks in the uptake of *renewable energy*. The establishment of *indicative shares* of renewable energy in buildings *provides* a long-term signal to investors, including for the period immediately after 2030. ■ Therefore, indicative *shares* for the use of renewable energy in buildings that is *produced on-site or nearby as well as renewable energy taken from the grid* should be set to guide and encourage Member States' efforts to exploit the potential of using and producing renewable energy in buildings, encourage the development of ■ technology which produces renewable energy *and helps the efficient integration of such technology in the energy system*, while providing certainty for investors and local level engagement *as well as contributing to system efficiency*. *Smart and innovative technology that contributes to system efficiency should also be promoted where appropriate*. *For the calculation of those indicative shares, when determining the share of renewable electricity taken from the grid used in buildings, Member States should use the average share of renewable electricity supplied in their territory in the two previous years.*

**(18) *The indicative Union share of renewable energy in the building sector to be reached by 2030 constitutes a necessary minimum milestone for ensuring the decarbonisation of the Union’s building stock by 2050 and complements the regulatory framework related to energy efficiency and the energy performance in buildings. It is key to enabling a seamless, cost-effective phase out of fossil fuels from buildings to ensure their replacement by renewable energy. The indicative share of renewable energy in the building sector complements the regulatory framework for buildings pursuant to Union law on the energy performance of buildings by ensuring that renewable energy technology, appliances and infrastructures, including efficient district heating and cooling, are sufficiently scaled-up in a timely manner to replace fossil fuels in buildings and to ensure the availability of a safe and reliable renewable energy supply for nearly zero-energy buildings by 2030. The indicative share of renewable energy in the building sector also promotes renewable energy investments in long-term national building renovation strategies and plans, thereby enabling the achievement of the decarbonisation of buildings. Furthermore, the indicative share of renewable energy in the building sector provides an important additional indicator to promote the development or modernisation of efficient district heating and cooling networks, thereby complementing both the indicative district heating and cooling target under Article 24 of Directive (EU) 2018/2001 and the requirement to ensure that renewable energy and waste heat and cold from efficient district heating and cooling system are available to help cover the total annual primary energy use of new or renovated buildings. That indicative share of renewable energy in the building sector is also necessary to ensure the cost-effective achievement of the annual increase in renewable heating and cooling pursuant to Article 23 of Directive (EU) 2018/2001.***

- (19) *Given the large energy consumption in residential, commercial and public buildings, existing definitions provided for in Regulation (EC) No 1099/2008 of the European Parliament and of the Council<sup>19</sup> could be used in the calculation of the national share of energy from renewable sources in buildings as to minimise the administrative burden whilst ensuring progress in realising the Union's indicative share of renewable energy in the building sector by 2030.*
- (20) *Lengthy administrative permit-granting procedures are one of the key barriers to investment in renewable energy projects and their related infrastructure. Those barriers include the complexity of the applicable rules for site selection and administrative authorisations for such projects, the complexity and duration of the assessment of the environmental impact of such projects, and related energy networks, grid connection problems, constraints on adapting technology specifications during the permit-granting procedure, and staffing problems of the permit-granting authorities or grid operators. In order to accelerate the pace of deployment of such projects it is necessary to adopt rules which would simplify and shorten permit-granting procedures, taking into account the broad public acceptance of the deployment of renewable energy.*

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<sup>19</sup> *Regulation (EC) No 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics (OJ L 304, 14.11.2008, p. 1).*

- (21) *Directive (EU) 2018/2001 streamlines the administrative permit-granting procedures for renewable energy plants by introducing rules on the organisation and maximum duration of the administrative part of the permit-granting procedure for renewable energy projects, covering all relevant permits to build, repower and operate renewable energy plants, and for the connection of such plants to the grid.*
- (22) *A further simplification and shortening of the administrative permit-granting procedures for renewable energy plants, including energy plants which combine different renewable energy sources, heat pumps, co-located energy storage, including power and thermal facilities, as well as the assets necessary for the connection of such plants, heat pumps and storage to the grid and to integrate renewable energy into heating and cooling networks in a coordinated and harmonised manner, is necessary in order to ensure that the Union reaches its ambitious climate and energy targets for 2030 and the objective of climate-neutrality by 2050, while taking into account the ‘do no harm’ principle of the European Green Deal and without prejudice to the internal division of competences within Member States.*



- (23) *The introduction of shorter and clear deadlines for decisions to be taken by the authorities competent for granting permits for the renewable energy installations on the basis of a complete application is intended to accelerate the deployment of renewable energy projects. The time taken to build the renewable energy plants and their grid connections should not be counted towards those deadlines, except when it coincides with other administrative steps in the permit-granting procedure. It is appropriate, however, to make a distinction between projects located in areas that are particularly suitable for the deployment of renewable energy projects, for which deadlines can be streamlined, namely renewables acceleration areas, and projects located outside such areas. The particularities of offshore renewable energy projects should be taken into account when setting those deadlines.*
- (24) *Some of the most common problems faced by renewable energy project developers relate to complex and lengthy administrative permit-granting and grid connection procedures established at national or regional level and a lack of sufficient staffing and technical expertise in permitting authorities to assess the environmental impact of the proposed projects. Therefore, it is appropriate to streamline certain environmental-related aspects of the permit-granting procedures for renewable energy projects.*

**(25) Member States should support the faster deployment of renewable energy projects by carrying out a coordinated mapping for the deployment of renewable energy and related infrastructure in their territory in coordination with local and regional authorities. Member States should identify the land, surface, sub-surface and sea or inland water areas necessary for the installation of renewable energy plants and related infrastructure in order to meet at least their national contributions towards the revised overall renewable energy target for 2030 set in Article 3(1) of Directive (EU) 2018/2001 and in support of reaching the objective of climate neutrality by 2050 at the latest, in accordance with Regulation (EU) 2021/1119. Member States should be allowed to use existing spatial planning documents for the purpose of identifying those areas. Member States should ensure that such areas reflect their estimated trajectories and total planned installed capacity and should identify specific areas for the different types of renewable energy technology provided for in their integrated national energy and climate plans submitted pursuant to Articles 3 and 14 of Regulation (EU) 2018/1999.**

*The identification of the required land, surface, sub-surface, and sea or inland water areas should take into consideration in particular the availability of energy from renewable sources and the potential offered by the different land and sea areas for renewable energy production of the different types of technology, the projected demand for energy, taking into account energy and system efficiency, overall and in the different regions of the Member State, and the availability of relevant energy infrastructure, storage, and other flexibility tools bearing in mind the capacity needed to cater for the increasing amount of renewable energy, as well as environmental sensitivity in accordance with Annex III to Directive 2011/92/EU of the European Parliament and of the Council<sup>20</sup>.*

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<sup>20</sup> *Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).*

**(26) Member States should designate as a sub-set of those areas, specific land (including surfaces and sub-surfaces) and sea or inland water areas as renewables acceleration areas. Those areas should be particularly suitable for the purpose of developing renewable energy projects, differentiating between types of technology, on the basis that the deployment of the specific type of renewable energy source is not expected to have a significant environmental impact. In the designation of renewables acceleration areas, Member States should avoid protected areas and consider restoration plans and appropriate mitigation measures. Member States should be able to designate renewables acceleration areas specifically for one or more types of renewable energy plants and should indicate the type or types of energy from renewable sources that are suitable to be produced in such renewables acceleration areas. Member States should designate such renewables acceleration areas for at least one type of technology and should decide the size of such renewables acceleration areas, in view of the specificities and requirements of the type or types of technology for which they set up renewables acceleration areas. In doing so, Member States should aim to ensure that the combined size of those areas is significant and that they contribute to the achievement of the objectives set out in Directive (EU) 2018/2001.**

**(27) *The multiple use of space for renewable energy production and other land, inland water and sea uses, such as food production or nature protection or restoration, alleviates the constraints on land, inland water and sea use. In that context, spatial planning is an essential tool with which to identify and steer synergies for land, inland water and sea use at an early stage. Member States should explore, enable and favour multiple uses of the areas identified as a result of the spatial planning measures adopted. To that end, Member States should facilitate changes in land and sea use where required, provided that the different uses and activities are compatible with one another and can co-exist.***

(28) *Directive 2001/42/EC of the European Parliament and of the Council<sup>21</sup> establishes environmental assessments as an important tool with which to integrate environmental considerations into the preparation and adoption of plans and programmes. In order to designate renewables acceleration areas, Member States should prepare one or more plans that encompass the designation of renewables acceleration areas and the applicable rules and mitigation measures for projects located in each of those areas. Member States should be able to prepare a single plan for all renewables acceleration areas and renewable energy technology, or technology-specific plans which designate one or more renewables acceleration areas. Each plan should be subject to an environmental assessment pursuant to Directive 2001/42/EC in order to assess the impact of each renewable energy technology on the relevant areas designated in that plan. Carrying out an environmental assessment pursuant to that Directive for that purpose would allow Member States to have a more integrated and efficient approach to planning, to ensure public participation at an early stage, and to take environmental considerations into account at an early phase of the planning process at a strategic level. That would contribute to ramping up the deployment of different renewable energy sources in a faster and more streamlined manner, while minimising the adverse environmental effects from those projects. Those environmental assessments should include transboundary consultations between Member States if the plan is likely to have significant adverse effects on the environment in another Member State.*

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<sup>21</sup> *Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.7.2001, p. 30).*

- (29) *Following the adoption of the plans designating renewables acceleration areas, Member States should monitor any significant adverse environmental effects of the implementation of plans and programmes in order, inter alia, to identify, at an early stage, unforeseen adverse effects and to be able to undertake appropriate remedial action, in accordance with Directive 2001/42/EC.*
- (30) *To increase public acceptance of renewable energy projects, Member States should take appropriate measures to promote the participation of local communities in renewable energy projects. The provisions of the United Nations Economic Commission for Europe Convention on access to information, public participation in decision-making and access to justice in environmental matters<sup>22</sup>, signed in Aarhus on 25 June 1998, in particular the provisions relating to public participation and to access to justice, remain applicable.*

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<sup>22</sup> *OJ L 124, 17.5.2005, p. 4.*

**(31) *In order to streamline the process of designation of renewables acceleration areas and avoid duplication of environmental assessments of a single area, it should be possible for Member States to declare areas which have already been designated as suitable for an accelerated deployment of renewable energy technology under national law as renewables acceleration areas. Such declarations should be subject to certain environmental conditions, ensuring a high level of environmental protection. The possibility of designation of renewables acceleration areas in existing planning should be limited in time, in order to ensure that it does not jeopardise the standard process for designation of renewables acceleration areas. Projects located in existing national designated areas in protected areas which cannot be declared as renewables acceleration areas should continue to operate under the same conditions under which they were established.***



**(32) Renewables acceleration areas, together with existing renewable energy plants, future renewable energy plants outside such areas and cooperation mechanisms, should aim to ensure that renewable energy production will be sufficient to achieve Member States' contribution to the overall Union renewable energy target set in Article 3(1) of Directive (EU) 2018/2001. Member States should retain the possibility to grant permits for projects outside such areas.**

(33) *In the renewables acceleration areas, renewable energy projects that comply with the rules and measures identified in the plans prepared by Member States, should benefit from a presumption of not having significant effects on the environment. Therefore, such projects should be exempt from the obligation to carry out a specific environmental impact assessment at project level within the meaning of Directive 2011/92/EU, with the exception of projects where Member State has determined to require an environmental impact assessment in its national mandatory list of projects and of projects which are likely to have significant effects on the environment in another Member State or where a Member State that is likely to be significantly affected so requests. The obligations under the Convention on environmental impact assessment in a transboundary context<sup>23</sup>, signed in Espoo on 25 February 1991, should remain applicable to Member States where the project is likely to cause a significant transboundary impact in a third country.*

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<sup>23</sup> *OJ L 104, 24.4.1992, p. 7.*

- (34) *The obligations set out in Directive 2000/60/EC of the European Parliament and of the Council<sup>24</sup> remain applicable regarding hydropower plants, including where a Member State decides to designate renewables acceleration areas related to hydropower, with a view to ensuring that a potential adverse impact on the water body or water bodies concerned is justified and that all relevant mitigation measures are implemented.*
- (35) *The designation of renewables acceleration areas should allow renewable energy plants and co-located energy storage , as well as the connection of such plants and storage to the grid, to benefit from predictability and streamlined administrative permit-granting procedures. In particular, projects located in renewables acceleration areas should benefit from accelerated administrative permit-granting procedures, including a tacit approval in the case of a lack of reply by the competent authority on an intermediary administrative step by the established deadline, unless the specific project is subject to an environmental impact assessment or where the principle of administrative tacit approval does not exist in the national law of the Member State concerned. Those projects should also benefit from clear deadlines and legal certainty as regards the expected outcome of the permit-granting procedure. Once an application for a project in a renewables acceleration area is submitted, the Member State should carry out a fast screening process with the aim of identifying whether the project is highly likely to give rise to significant unforeseen adverse effects in view of the environmental sensitivity of the geographical area where it is located and which were not identified during the environmental assessment of the plans designating renewables acceleration areas carried out pursuant to Directive 2001/42/EC and whether the project falls within the scope of Article 7 of Directive 2011/92/EU on the basis of the likelihood of its having significant effects on the environment in another Member State or on the basis of a request of a Member State which is likely to be significantly affected. For the purpose of such a screening process, the competent authority should be able to request the applicant to provide additional available information without requiring a new assessment or data collection. All projects located in renewables acceleration areas that comply with the rules and measures identified in the plans prepared by Member States should be deemed*

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<sup>24</sup> *Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).*

*to be approved at the end of such a screening process. Provided that Member States have clear evidence to consider that a specific project is highly likely to give rise to such significant unforeseen adverse effects, Member States should, following such a screening process, subject the project to an environmental impact assessment pursuant to Directive 2011/92/EU and, where relevant, an assessment pursuant to Council Directive 92/43/EEC<sup>25</sup>. Member States should provide reasons for their decisions to subject projects to such assessments before those assessments are carried out. Such assessments should be carried out within six months of such decisions, with the possibility of extending that deadline on the ground of extraordinary circumstances. It is appropriate to allow Member States to introduce derogations from the obligation to carry out such assessments for wind and solar photovoltaic projects in justified circumstances, because such projects are expected to provide a vast majority of the renewable electricity by 2030. In such a case, the project developer should adopt proportionate mitigation measures or, if not available, compensatory measures, which, if other proportionate compensatory measures are not available, may take the form of monetary compensation, in order to address those significant unforeseen adverse effects identified during the screening process.*

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<sup>25</sup> *Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).*

**(36) *In view of the need to accelerate the deployment of energy from renewable sources, the designation of renewables acceleration areas should not prevent the ongoing and future installation of renewable energy projects in all areas available for renewable energy deployment. Such projects should remain subject to the obligation to carry out a dedicated environmental impact assessment pursuant to Directive 2011/92/EU and should be subject to the permit-granting procedures applicable to renewable energy projects located outside renewables acceleration areas. To speed up permit-granting procedures on a scale necessary for the achievement of the renewable energy target set out in Directive (EU) 2018/2001, also the permit-granting procedures applicable to projects outside renewables acceleration areas should be simplified and streamlined with the introduction of clear maximum deadlines for all steps of the permit-granting procedure, including dedicated environmental assessments per project.***

- (37) *The construction and operation of renewable energy plants can result in the occasional killing or disturbance of birds and other species protected under Directive 92/43/EEC or under Directive 2009/147/EC of the European Parliament and of the Council<sup>26</sup>. However, such killing or disturbance of protected species should not be considered to be deliberate within the meaning of those Directives if the project for the construction and operation of those renewable energy plants provides for appropriate mitigation measures to avoid such killing, to prevent disturbance, to assess the effectiveness of such measures through appropriate monitoring and, in the light of the information gathered, to take further measures as required to ensure that there are no significant adverse impact on the population of the species concerned.*
- (38) *In addition to installing new renewable energy plants, repowering of existing renewable energy power plants has significant potential to contribute to the achievement of the renewable energy targets. Since the existing renewable energy power plants have, for the most part, been installed in sites with significant renewable energy source potential, repowering can ensure the continued use of those sites while reducing the need to designate new sites for renewable energy projects. Repowering includes further benefits such as the existing grid connection, a likely higher degree of public acceptance and knowledge of the environmental impact.*

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<sup>26</sup> *Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).*

- (39) *Directive (EU) 2018/2001 introduces streamlined permit-granting procedures for repowering. In order to respond to the increasing need for the repowering of existing renewable energy power plants and to make full use of the advantages it offers, it is appropriate to establish an even shorter permit-granting procedure for the repowering of renewable energy power plants located in renewables acceleration areas, including a shorter screening process. For the repowering of existing renewable energy power plants located outside renewables acceleration areas, Member States should ensure a simplified and swift permit-granting procedure not exceeding one year, while taking into account the ‘do no harm’ principle of the European Green Deal.*
- (40) *In order to further promote and accelerate the repowering of existing renewable energy power plants, a simplified permit-granting procedure for grid connections should be established where the repowering results in a limited increase in total capacity compared to the original project. The repowering of renewable energy projects entails changes to or the extension of existing projects to different degrees. The permit-granting procedure, including environmental assessments and screening, for the repowering of renewable energy projects should be limited to the potential impact resulting from the change or extension compared to the original project.*

- (41) *When repowering a solar installation, increases in efficiency and capacity can be achieved without increasing the space occupied. The repowered installation thus does not have a different impact on the environment than the original installation, provided that the space used is not increased in the process, and the originally required environmental mitigation measures continue to be complied with.*
- (42) *The installation of solar energy equipment and related co-located energy storage, as well as the the connection of such equipment and storage to the grid, in existing or future artificial structures created for purposes other than solar energy production or energy storage with the exclusion of artificial water surfaces, such as rooftops, parking areas, roads and railways, do not typically raise concerns related to competing uses of space or environmental impact. It should therefore be possible for those installations to benefit from shorter permit-granting procedures and be exempt from the obligation to carry out an environmental impact assessment pursuant to Directive 2011/92/EU, while allowing Member States to take into account specific circumstances relating to the protection of cultural or historical heritage, national defence interests, or safety reasons.*



*Self-consumption installations, including those for collective self-consumers, such as local energy communities, also contribute to reducing overall demand for natural gas, to increasing resilience of the system and to achieving the Union's renewable energy targets. The installation of solar energy equipment with a capacity below 100 kW, including installations of renewables self-consumers, is not likely to have significant adverse effects on the environment or the grid and does not raise safety concerns. In addition, small installations do not generally require capacity expansion at the grid connection point. In view of the immediate positive effects of such installations for consumers and the limited environmental impact they may give rise to, it is appropriate to further streamline the permit-granting procedure applicable to them, provided that they do not exceed the existing capacity of the connection to the distribution grid, by introducing the concept of administrative positive silence in the relevant permit-granting procedures in order to promote and accelerate the deployment of those installations and to be able to reap their benefits in the short term. Member States should be allowed to apply a threshold lower than 100 kW on the basis of their internal constraints, provided that the threshold remains higher than 10,8kW.*

**(43) Heat pump technology is key to producing renewable heating and cooling from ambient energy, including from wastewater treatment plants and geothermal energy. Heat pumps also allow the use of waste heat and cold. The rapid deployment of heat pumps which mobilises underused renewable energy sources such as ambient energy or geothermal energy, as well as waste heat from industrial and tertiary sectors, including data centres, makes it possible to replace natural gas and other fossil fuel-based boilers with a renewable heating solution, while increasing energy efficiency. That will accelerate a reduction in the use of gas for the supply of heating, in buildings as well as in industry. In order to accelerate the installation and use of heat pumps, it is appropriate to introduce targeted shorter permit-granting procedures for such installations, including a simplified permit-granting procedure for the connection of smaller heat pumps to the electricity grid where there are no safety concerns, no further works are needed for grid connections and there is no technical incompatibility of the system components, unless no such permit-granting procedure is required by national law. Thanks to a quicker and easier installation of heat pumps, the increased use of renewable energy in the heating sector, which accounts for almost half of the Union's energy consumption, is intended to contribute to security of supply and help tackle a more difficult market situation.**

(44) *For the purposes of the relevant Union environmental law, in the necessary case-by-case assessments to ascertain whether a renewable energy plant, the connection of that plant to the grid, the related grid itself or storage assets are of overriding public interest in a particular case, Member States should presume those renewable energy plants and their related infrastructure to be of overriding public interest and serving public health and safety, except where there is clear evidence that those projects have significant adverse effects on the environment which cannot be mitigated or compensated for, or where Member States decide to restrict the application of that presumption in duly justified and specific circumstances, such as reasons related to national defence. Considering such renewable energy plants to be of overriding public interest and serving public health and safety would allow such projects to benefit from a simplified assessment.*

(45) *In order to ensure a smooth and effective implementation of the provisions laid down in this Directive, the Commission supports Member States by means of the Technical Support Instrument established by Regulation (EU) 2021/240 of the European Parliament and of the Council<sup>27</sup>, which provides tailor-made technical expertise to design and implement reforms, including those increasing the use of energy from renewable sources, fostering better energy system integration, identifying specific areas particularly suitable for the installation of renewable energy plants, and streamlining the framework for authorisation and permit-granting procedures for renewable energy plants. The technical support, for example, involves strengthening of administrative capacity, harmonising the legislative frameworks, and the sharing of relevant best practices such as enabling and favouring multiple uses.*

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<sup>27</sup> *Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument (OJ L 57, 18.2.2021, p. 1).*

(46) *Energy infrastructure needs to be in place to support the significant scaling up of renewable energy generation. Member States should be able to designate dedicated infrastructure areas where the deployment of grid or storage projects that are necessary to integrate renewable energy into the electricity system is not expected to have a significant environmental impact, such an impact can be duly mitigated or, where not possible, compensated for. Infrastructure projects in such areas may benefit from more streamlined environmental assessments. If Member States decide not to designate such areas, the assessments and rules applicable under Union environmental law remain applicable. In order to designate infrastructure areas, Member States should prepare one or more plans, including by means of national legislation, encompassing the identification of the areas and the applicable rules and mitigation measures for projects located in each infrastructure area. The plans should clearly indicate the scope of the dedicated area and the type of infrastructure projects covered. Each plan should be subject to an environmental assessment pursuant to Directive 2001/42/EC in order to assess the impact of each type of project on the relevant designated areas. Grids projects in such dedicated infrastructure areas should avoid to the extent possible Natura 2000 sites and areas designated under national protection schemes for nature and biodiversity conservation, unless, due to the specificities of grid projects, there are no proportionate alternatives for the deployment of such projects. When assessing proportionality, Member States should take into account the need to ensure the economic viability, the feasibility and the effective and accelerated implementation of the project with a view to ensuring that the additional generation capacity of renewable energy deployed can be promptly integrated into the energy system, or whether infrastructure projects of various types already exist in the specific Natura 2000 site or protected area, which would allow to bundle different infrastructure projects in a site resulting in lower environmental impact. Dedicated plans for storage projects should always exclude Natura 2000 sites since there are less constraints on where to place them. In such areas, Member States should, under justified circumstances including where needed to accelerate the grid expansion to support the deployment of renewable energy to achieve the climate and renewable energy targets, be able to introduce exemptions from certain assessment obligations provided for in Union environmental law under certain conditions. If Member States decide to make use of such exemptions, the specific projects should be subject to a streamlined screening process similar to the screening process provided for*

*renewables acceleration areas, which should be based on existing data. Requests of the competent authority to provide additional available information should not require a new assessment or data collection. If such a screening process identifies projects that are highly likely to give rise to significant unforeseen adverse effects, the competent authority should ensure that appropriate and proportionate mitigation measures, or if not available, compensatory measures, are applied. In the case of compensatory measures, the project development can be pursued while compensatory measures are being identified.*

- (47) Insufficient numbers of skilled workers, in particular installers and designers of renewable heating and cooling systems, slows down the replacement of fossil fuel heating systems by renewable energy based systems and is a significant barrier to integrating **renewable energy** in buildings, industry and agriculture. Member States should cooperate with social partners and renewable energy communities to anticipate the skills that will be needed. A sufficient number of high-quality **and effective upskilling and reskilling strategies and training programmes and certification possibilities that ensure** proper installation and reliable operation of a wide range of renewable heating and cooling systems **and storage technology, as well as electric vehicles recharging points**, should be made available and designed in a way to attract participation in such training programmes and certification systems. Member States should consider what actions should be taken to attract groups currently under-represented in the occupational areas in question. A list of trained and certified installers should be made publicly available to ensure consumer trust and easy access to tailored installer and designer skills guaranteeing proper installation and operation of renewable heating and cooling.

- (48) Guarantees of origin are a key tool for consumer information as well as for the further uptake of renewable energy purchase agreements. ***It should therefore be ensured that the issue, trade, transfer and use of guarantees of origin can be carried out in a uniform system with appropriately standardised certificates that are mutually recognised throughout the Union. Furthermore,*** to provide access to appropriate supporting evidence for persons concluding renewable ***energy*** purchase agreements, ***it should be ensured that any associated guarantees of origin can be transferred to the buyer. In the context of a more flexible energy system and growing consumer demand there is a call for a more innovative, digital, technologically advanced and reliable tool to support and document the increasing production of renewable energy. To facilitate digital innovation in that field, Member States should, where appropriate, enable issuing guarantees of origin in fractions and with a closer to real time timestamp. In view of the need to improve consumer empowerment and contribute to a higher share of renewable energy in the gas supply, Member States should require network gas suppliers who disclose their energy mix to final consumers, to use guarantees of origin.***



- (49) Infrastructure development for district heating and cooling networks should be stepped up and steered towards harnessing a wider range of renewable heat and cold sources in an efficient and flexible way in order to increase the deployment of renewable energy and deepen energy system integration. It is therefore appropriate to update the list of renewable energy sources that district heating and cooling networks should increasingly accommodate and *to* require the integration of thermal energy storage as a source of flexibility, greater energy efficiency and more cost-effective operation.

(50) With more than 30 million electric vehicles expected in the Union by 2030 it is necessary to ensure that they can fully contribute to the system integration of renewable electricity, and thus allow reaching higher shares of renewable electricity in a cost-optimal manner. The potential of electric vehicles to absorb renewable electricity at times when it is abundant and feed it back into a grid when there is scarcity, ***contributing to the system integration of variable renewable electricity while ensuring a secure and reliable supply of electricity***, has to be fully utilised. It is therefore ***appropriate*** to introduce specific measures on electric vehicles and information about renewable energy and about how and when to access it which complement those in Regulations (EU) .../...<sup>28+</sup> and ***(EU) .../...<sup>29++</sup>*** of the European Parliament and of the Council.

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<sup>28</sup> Regulation (EU) .../... of the European Parliament and of the Council of ... on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU (OJ ...).

<sup>+</sup> ***OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 25/23 (2021/0223(COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.***

<sup>29</sup> ***Regulation (EU) .../... of the European Parliament and of the Council of ... concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (OJ L ...).***

<sup>++</sup> ***OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 2/2023 (2020/0353(COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.***

(51) *Regulation (EU) 2019/943 of the European Parliament and of the Council<sup>30</sup> and Directive (EU) 2019/944 of the European Parliament and of the Council<sup>31</sup> require Member States to allow and foster the participation of demand response through aggregation, as well as to provide for dynamic electricity price contracts to final customers where applicable. In order to allow demand response more easily to provide further incentives for the absorption of green electricity, it needs to be based not only on dynamic prices but also on signals about the actual penetration of green electricity in the system. It is therefore necessary to improve the signals that consumers and market participants receive regarding the share of renewable electricity and the intensity of greenhouse gas emissions of the electricity supplied, through the dissemination of dedicated information. Consumption patterns can then be adjusted on the basis of renewable energy penetration and the presence of zero carbon electricity, in conjunction with an adjustment made on the basis of price signals. That serves the objective of further supporting the deployment of innovative business models and digital solutions, which have the capacity to link consumption to the level of renewable energy in the electricity grid and thus provide incentives for the right network investments to underpin the clean energy transition.*

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<sup>30</sup> *Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (OJ L 158, 14.6.2019, p. 54).*

<sup>31</sup> *Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125).*

- (52) In order for flexibility and balancing services from the aggregation of distributed storage assets to be developed in a competitive manner, real-time access to basic battery information such as state of health, state of charge, capacity and power set point should be provided under non-discriminatory terms, ***in accordance with the relevant data protection rules*** and free of charge to the owners or users of the batteries and the entities acting on their behalf, such as building energy system managers, mobility service providers and other electricity market participants. It is therefore appropriate to introduce measures ***that address*** the need of access to such data for facilitating the integration-related operations of domestic batteries and electric vehicles, ***that complement*** the provisions on access to battery data related to facilitating the repurposing of batteries ***laid down in Regulation (EU) .../...<sup>+</sup>***. The provisions on access to ***the*** battery data of electric vehicles should apply in addition to any ***provisions*** laid down in Union law on ***the*** type approval of vehicles.

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<sup>+</sup> ***OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 2/2023 (2020/0353(COD)).***

- (53) The increasing number of electric vehicles in road, rail, maritime and other transport modes will require that recharging operations are optimised and managed in a way that does not cause congestion and takes full advantage of the availability of renewable electricity and low electricity prices in the system. Where *smart and* bi-directional recharging would assist further penetration of renewable electricity by electric vehicle fleets in *the* transport *sector* and *in* the electricity system in general, such functionality should also be made available. In view of the long life span of recharging points, requirements for recharging infrastructure should be kept updated in a way that would cater for future needs and would not result in negative lock-in effects to the development of technology and services.

- (54) *Recharging points where electric vehicles typically park for extended periods of time, such as where people park for reasons of residence or employment, are highly relevant to energy system integration. Smart and, where appropriate, bi-directional recharging functionalities therefore need to be ensured. In that regard, the operation of non-publicly accessible normal recharging infrastructure is particularly important for the integration of electric vehicles in the electricity system as it is located where electric vehicles are parked repeatedly for long periods of time, such as in buildings with restricted access, employee parking or parking facilities rented out to natural or legal persons.*
- (55) *Demand response is pivotal to enabling the smart recharging of electric vehicles and thereby enabling the efficient integration of electric vehicles into the electricity grid, which will be crucial for the process of decarbonising transport and for the purposes of facilitating energy system integration. In addition, Member States should encourage, where relevant, initiatives promoting demand response through interoperability and data exchange for heating and cooling systems, thermal energy storage units and other relevant energy related devices.*
- (56) Electric vehicle users entering into contractual agreements with electromobility service providers and electricity market participants should have the right to receive information and explanations on how the terms of the agreement will affect the use of their vehicle and the state of health of its battery. Electromobility service providers and electricity market participants should explain clearly to electric vehicle users how they will be remunerated for the flexibility, balancing and storage services provided to the electricity system and market by the use of their electric vehicle.

Electric vehicle users also need to have their consumer rights secured when entering into such agreements, in particular regarding the protection of their personal data such as location and driving habits, in connection to the use of their vehicle. Electric vehicle users' preference regarding the type of electricity purchased for use in their electric vehicle, as well as other preferences, can also be part of such agreements. For *those* reasons, it is important *to ensure that the recharging infrastructure deployed is used as effectively as possible. In order to improve consumer confidence in e-mobility, it is essential* that electric vehicle users can use their subscription at multiple recharging points. That will also allow the electric vehicle user's service provider of choice to optimally integrate the electric vehicle in the electricity system, through predictable planning and incentives *on the basis of* electric vehicle user preferences That is also in line with the principles of a consumer-centric and prosumer-based energy system, and the right of supplier choice of electric vehicle users as final customers as per the provisions of Directive (EU) 2019/944.

(57) Distributed storage assets, such as domestic batteries and batteries of electric vehicles have the potential to offer considerable flexibility and balancing services to the grid through aggregation. In order to facilitate the development of such ***devices and services***, the regulatory provisions concerning connection and operation of the storage assets, such as tariffs, commitment times and connection specifications, should be designed in a way that does not hamper the potential of all storage assets, including small and mobile ones ***and other devices for example, heat pumps, solar panels and thermal storage***, to offer flexibility and balancing services to the system and to contribute to the further penetration ***of renewable electricity***, in comparison with larger, stationary storage assets. ***In addition to the general provisions preventing market discrimination laid down in Regulation (EU) 2019/943 and Directive (EU) 2019/944, specific requirements should be introduced to address holistically the participation of those assets and to remove any remaining barriers and obstacles to unleash the potential of such assets to help the decarbonisation of the electricity system and empower the consumers to actively participate in the energy transition.***



- (58) *As a general principle, Member States should ensure a level playing field for small decentralised electricity generation and storage systems, including through batteries and electric vehicles, so they are able to participate in the electricity markets, including congestion management and the provision of flexibility and balancing services in a non-discriminatory manner as compared to other electricity generation and storage systems, and without disproportionate administrative or regulatory burden. Member States should encourage self-consumers and renewable energy communities to actively participate in those electricity markets by providing flexibility services through demand response and storage including through batteries and electric vehicles.*
- (59) Industry accounts for 25 % of the Union’s energy consumption, and is a major consumer of heating and cooling, which is currently supplied 91 % by fossil fuels. However, 50 % of demand for heating and cooling is low-temperature (<200 °C) for which there are cost-effective renewable energy options, including through electrification **and direct use of renewable energy**. In addition, industry uses non-renewable sources as raw materials to produce products such as steel or chemicals. Industrial investment decisions today will determine the future industrial processes and energy options that can be considered by industry, so it is important that those investments decisions are future-proof **and avoid the creation of stranded assets**.

Therefore, benchmarks should be put in place to provide industry with incentives to switch to **■** production processes ***based on renewable energy, which are*** not only ***fuelled*** by renewable energy, but also use renewable-based raw materials such as renewable hydrogen. ***Member States should promote the electrification of industrial processes where possible, for instance for low temperature industrial heat.*** Moreover, ***Member States should promote the use of*** a common methodology for products that are labelled as having been produced partially or fully using renewable energy or using renewable fuels of non-biological origin as feedstock **■**, taking into account existing Union product labelling methodologies and sustainable product initiatives. That would avoid deceptive practices and increase consumer trust. Furthermore, given consumer preference for products that contribute to environmental and climate change objectives, it would stimulate market demand for those products.

- (60)** ***To reduce the Union’s dependence on fossil fuels and fossil fuel imports, a Union strategy for imported and domestic hydrogen should be developed by the Commission on the basis of data reported by Member States.***

- (61) Renewable fuels of non-biological origin can be used for energy purposes, but also for non-energy purposes as feedstock or raw material in industries such as ***the steel industry*** or ***the chemical industry***. The use of renewable fuels of non-biological origin for both purposes exploits their full potential to replace fossil fuels used as feedstock and to reduce greenhouse gas emissions in ***industrial processes which are difficult to electrify*** and should therefore be included in a target for the use of renewable fuels of non-biological origin. National measures to support the uptake of renewable fuels of non-biological origin in ***those industrial sectors that are difficult to electrify*** should not result in net pollution increases due to an increased demand for electricity generation that is satisfied by the most polluting fossil fuels, such as coal, diesel, lignite, oil peat and oil shale. ***The consumption of hydrogen in industrial processes whereby the hydrogen is produced as or derived from a by-product which is difficult to replace with renewable fuels of non-biological origin should be excluded from that target. Hydrogen consumed to produce transport fuel is covered under the transport targets for renewable fuels of non-biological origin.***

(62) *The Union's hydrogen strategy, set out in the Commission communication of 8 July 2020, entitled 'A hydrogen strategy for a climate-neutral Europe', recognises the role of existing hydrogen production plants retrofitted to reduce their greenhouse gas emissions in achieving the increased 2030 climate ambition. In light of that strategy, and within the framework of the call for projects organised under the Union's Innovation Fund established by Article 10a(8) of Directive 2003/87/EC of the European Parliament and of the Council<sup>32</sup>, early movers have taken investment decisions with a view to retrofitting pre-existing hydrogen production facilities based on steam methane reforming technology with the aim of decarbonising hydrogen production. For the purpose of calculating the denominator in the contribution of renewable fuels of non-biological origin used for final energy and non-energy purposes in industry, hydrogen produced in retrofitted production facilities based on steam methane reforming technology for which a Commission decision with a view to the award of a grant under the Innovation Fund has been published before the entry into force of this Directive and that achieve an average greenhouse gas reduction of 70 % on an annual basis, should not be taken into account.*

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<sup>32</sup> *Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275 25.10.2003, p. 32).*

- (63) *Moreover, it should be acknowledged that the replacement of hydrogen produced from the steam methane reforming process might pose specific challenges for certain existing integrated ammonia production facilities. It would necessitate the rebuilding of such production facilities, which would require a substantial effort by Member States depending on their specific national circumstances and the structure of their energy supply.*
- (64) *In order to achieve the objective of the Union to become climate neutral by 2050 and to decarbonise Union's industry, Member States should be able to combine the use of non-fossil energy sources and renewable fuels of non-biological origin in the context of their specific national circumstances and energy mix. In that context, Member States should be able to reduce the target for the use of renewable fuels of non-biological origin in the industry sector, provided that they consume a limited share of hydrogen or its derivatives produced from fossil fuels and that they are on track towards their expected national contribution in accordance with the formula of Annex II to Regulation (EU) 2018/1999.*
- (65) Increasing ambition in the heating and cooling sector is key to delivering the overall renewable energy target given that heating and cooling constitutes around half of the Union's energy consumption, covering a wide range of end uses and technology in buildings, industry and district heating and cooling. To accelerate the increase of **renewable energy** in *the* heating and cooling sector, a **minimum** annual **█** percentage point increase at Member State level should be made binding **█ on** all Member States.

*The minimum annual average binding increase of 0,8 percentage points between 2021 and 2025, and of 1,1 percentage points between 2026 and 2030 in heating and cooling applicable to all Member States should be complemented with additional indicative increases or top-up rates calculated specifically for each Member State in order to reach an average increase of 1,8 percentage points at Union level. Those Member State-specific additional indicative increases or top-ups aim to redistribute the additional effort needed to achieve the desired level of renewable energy in 2030 among Member States on the basis of gross domestic product and cost-effectiveness and to guide Member States as regards what could be a sufficient level of renewable energy to deploy in that sector. Member States should carry out, in accordance with the energy efficiency first principle, an assessment of their potential energy from renewable sources in the heating and cooling sector and of the potential use of waste heat and cold. Member States should implement two or more measures from the list of measures to facilitate increasing the share of renewable energy in heating and cooling. When adopting and implementing those measures, Member States should ensure that those measures are accessible to all consumers, in particular those living in low-income or vulnerable households.*

- (66) To ensure that the increased importance of district heating and cooling is accompanied by better information for consumers, it is appropriate to clarify and strengthen transparency as regards the **■** share *of renewable energy* and *the* energy efficiency of *district heating and cooling* systems.
- (67) Modern renewable-based efficient district heating and cooling systems have demonstrated their potential to provide cost-effective solutions for integrating renewable energy, increased energy efficiency and energy system integration, *while* facilitating the overall decarbonisation of the heating and cooling sector. To ensure *that that* potential is harnessed, the annual increase of renewable energy or waste heat *and cold* in district heating and cooling should be raised from 1 percentage point to *2,2 percentage points* without changing the indicative nature of *that* increase, reflecting the uneven development of that type of network across the Union.
- (68) To reflect the increased importance of district heating and cooling and the need to steer the development of those networks towards the integration of more renewable energy, it is appropriate to *encourage operators of district heating or cooling systems to connect* third party suppliers of renewable energy and waste heat and cold with district heating or cooling networks systems above *25 MW*.

(69) *Heating and cooling systems, in particular district heating and cooling systems, increasingly contribute to the balancing of the electricity grid by providing additional demand for variable renewable electricity, such as wind and solar, when such renewable electricity is abundant, cheap and would be otherwise curtailed. Such balancing can be achieved by means of the use of highly efficient electrically driven heat and cold generators, such as heat pumps, especially when those heat and cold generators are coupled with large thermal storage, in particular in district heating and cooling or in individual heating, where the economies of scale and system level efficiencies of district heating and cooling are not available. The benefits of heat pumps are twofold, first, to significantly increase energy efficiency, saving considerable energy and costs for consumers, and second, to integrate renewable energy through allowing a greater use of geothermal and ambient energy. In order to provide further incentives for the use of renewable electricity for heating and cooling and heat storage, with the deployment of heat pumps in particular, it is appropriate to allow Member States to count renewable electricity driving those heat and cold generators, including heat pumps towards the binding and indicative renewable energy annual increase in the heating and cooling and district heating and cooling.*



(70) ***Despite being widely available, waste heat and cold is underused, leading to a waste of resources, lower energy efficiency in national energy systems and higher than necessary energy consumption in the Union. Provided it is supplied from efficient district heating and cooling, it is appropriate to allow waste heat and cold to count towards partial fulfilment of the targets for renewable energy in buildings, industry, heating and cooling and towards complete fulfilment of the targets for district heating and cooling. That would allow synergies between renewable energy and waste heat and cold in district heating and cooling networks to be harnessed by increasing the economic rationale for investing in the modernisation and development of those networks. Specifically including waste heat in the industrial renewable energy benchmark should be acceptable only as regards waste heat or cold delivered via a district heating and cooling operator from another industrial site or another building, thus ensuring that such operators have heat or cold supply as their main activity and that the waste heat counted is clearly differentiated from internal waste heat recovered within the same or related enterprise or buildings.***

- (71) To ensure district heating and cooling participate fully in energy sector integration, it is necessary to extend the cooperation with electricity distribution system operators to electricity transmission system operators and *to* widen the scope of cooperation to grid investment planning and markets *in order* to better utilise the potential of district heating and cooling for providing flexibility services in electricity markets. Further cooperation with gas network operators, including hydrogen and other energy networks, should also be made possible to ensure a wider integration across energy carriers and their most cost-effective use. *Furthermore, requirements for closer coordination between district heating and cooling operators, industrial and tertiary sectors, and local authorities could facilitate the dialogue and cooperation necessary to harness cost-effective waste heat and cold potentials via district heating and cooling systems.*
- (72) The use of renewable fuels and renewable electricity in *the* transport *sector* can contribute to the decarbonisation of the Union transport sector in a cost-effective manner, and improve, amongst other *matters*, energy diversification in that sector while promoting innovation, economic growth and jobs in the Union and while reducing reliance on energy imports. With a view to achieving the increased target for greenhouse gas *emissions* savings set by Regulation (EU) 2021/1119, the level of renewable energy supplied to all transport modes in the Union should be increased.

*Allowing the Member States to choose between a transport target expressed as a greenhouse gas intensity reduction target or as a share of the consumption of renewable energy provides the Member States with an appropriate degree of flexibility to design their policies to decarbonise transport. Furthermore, introducing a combined energy-based target for advanced biofuels and biogas and renewable fuels of non-biological origin, including a minimum share for renewable fuels of non-biological origin would ensure an increased use of the renewable fuels with smallest environmental impact in transport modes that are difficult to electrify such as maritime transport and aviation. To kick start the fuel shift in maritime transport, Member States with maritime ports should endeavour to ensure that from 2030 the share of renewable fuels of non-biological origin in the total amount of energy supplied to the maritime transport sector is at least 1,2 %. The achievement of those targets should be ensured by obligations on fuel suppliers as well as by other measures laid down in Regulations (EU) .../...<sup>33+</sup> and (EU) .../...<sup>34++</sup> of the European Parliament and of the Council . Dedicated obligations on aviation fuel suppliers should be imposed only pursuant to Regulation (EU) .../...<sup>+++</sup>.*

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<sup>33</sup> Regulation (EU) .../... of the European Parliament and of the Council on the use of renewable and low-carbon fuels in maritime transport, and amending Directive 2009/16/EC (OJ ...).

<sup>+</sup> ***OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 26/23 (2021/0210(COD)) and insert the number, date and OJ reference of that Regulation in the footnote.***

<sup>34</sup> Regulation (EU) .../... of the European Parliament and of the Council on ensuring a level playing field for sustainable air transport (ReFuelEU Aviation) (OJ L ...).

<sup>++</sup> ***OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 29/23 (2021/0205(COD)) and insert the number, date and OJ reference of that Regulation in the footnote.***

<sup>+++</sup> ***OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 29/23 (2021/0205(COD)).***

(73) *In order to encourage the uptake of the supply of renewable fuels to the hard-to-decarbonise sector of international marine bunkering, for the calculation of the transport targets, renewable fuels supplied to international marine bunkers should be included in the final consumption of energy from renewable sources in the transport sector and, accordingly, fuels supplied to international marine bunkers should be included in the final consumption of energy sources in the transport sector. However, maritime transport represents a large share of the gross final consumption of energy for some Member States. In view of the current technological and regulatory constraints that prevent the commercial use of biofuels in the maritime transport sector, it is appropriate, by way of derogation from the requirement to include all energy supplied to the maritime transport sector, for the purpose of calculating specific transport targets, to allow Member States to cap the energy supplied to the maritime transport sector at 13 % of the gross final consumption of energy in a Member State. For insular Member States, where the gross final consumption of energy in the maritime transport sector is disproportionately high, namely more than a third of that of the road and rail sectors, the cap should be 5 %. However, for the calculation of the overall renewable energy target, considering the specific characteristics of international marine bunkers, regarding fuels supplied to them, they should be included in the gross final consumption of energy of a Member State only if they are renewable.*

- (74) Electromobility will play an essential role in decarbonising the transport sector. To foster the further development of electromobility, Member States should establish a credit mechanism enabling operators of recharging points accessible to the public to contribute, by supplying renewable electricity, towards the fulfilment of the obligation set up by Member States on fuel suppliers. ***Member States should be able to include private recharging points in that credit mechanism, if it can be demonstrated that the renewable electricity supplied to those private recharging points is provided solely to electric vehicles.*** While supporting electricity in *the* transport *sector* through such credit mechanisms, it is important that Member States continue to set a high level of ambition for the decarbonisation of their liquid fuel mix, ***particularly in hard-to-decarbonise transport sectors, such as maritime transport and aviation, where direct electrification is much more difficult.***
- (75) ***Renewable fuels of non-biological origin, including renewable hydrogen, can be used as feedstock or as a source of energy in industrial and chemical processes and in maritime transport and aviation, decarbonising sectors in which direct electrification is not technologically possible or competitive. They can also be used for energy storage to balance, where necessary, the energy system, thereby playing a significant role in energy system integration.***

(76) The Union's renewable energy policy aims to contribute to achieving the **Union's** climate change mitigation objectives ■ in terms of the reduction of greenhouse gas emissions. In the pursuit of **that** goal, it is essential to also contribute to wider environmental objectives and in particular the prevention of biodiversity loss, **on** which ■ the indirect land use change associated **with** the production of certain biofuels, bioliquids and biomass fuels **has a negative impact**. Contributing to those climate and environmental objectives constitutes a deep and longstanding intergenerational concern for Union citizens and the Union **legislators. The Union should thus promote those fuels in quantities which balance the necessary ambition with the need to avoid contributing to direct and indirect land-use change. The** way the transport target is calculated should not affect the limits established on how certain fuels produced from food and feed crops on the one hand and high indirect land-use change-risk fuels on the other hand count towards that target. In addition, in order not to create an incentive to use biofuels and biogas produced from food and feed crops in transport and **considering the impact of the war against Ukraine on food and feed supply**, Member States should continue to be able to choose whether to count biofuels and biogas produced from food and feed crops towards the transport target.

If they do not count them, *Member States should be able to choose to reduce the energy-based target or to* reduce the greenhouse gas intensity reduction target accordingly, assuming that biofuels produced from food and feed crops save 50 % greenhouse gas emissions, which corresponds to the typical values set out in an annex to this Directive for the greenhouse gas *emissions* savings of the most relevant production pathways of biofuels produced from food and feed crops as well as the minimum *greenhouse gas emissions* savings threshold *that applies* to most installations producing such biofuels.

(77) *In order to ensure that the use of biofuels, bioliquids and biomass fuels saves an increasing amount of greenhouse gas emissions and to address potential indirect effects of the promotion of such fuels, such as deforestation, the Commission should review the level of the maximum share of the average annual expansion of the global production area in high carbon stocks based on objective and scientific criteria, taking into consideration the Union's climate targets and commitments, and should, where necessary, propose a new threshold on the basis of the results of its review. Further, the Commission should assess the possibility of designing an accelerated trajectory to phase out the contribution of such fuels to renewable energy targets in order to maximise the amount of greenhouse gas emissions savings.*

(78) **Setting** the transport target as a greenhouse gas intensity reduction target makes it **necessary to provide for a methodology that takes into consideration that different types of energy from renewable sources save different amounts of greenhouse gas emissions and, therefore, contribute differently to a given target.** Renewable electricity should be considered to have zero **greenhouse gas** emissions, meaning it saves 100 % **of greenhouse gas** emissions compared to electricity produced from fossil fuels. That will create an incentive for the use of renewable electricity since renewable fuels and recycled carbon fuels are unlikely to achieve such a high percentage of **greenhouse gas emissions** savings. Electrification relying on renewable energy sources would therefore become the most efficient way to decarbonise road transport. In addition, in order to promote the use of **renewable fuels of non-biological origin in the aviation and maritime transport modes,** which are difficult to electrify, it is appropriate to **introduce a multiplier for** **renewable fuels** supplied in those modes of transport when counting them towards the specific targets set for those fuels.



- (79) The direct electrification of end-use sectors, including the transport sector, contributes to **system** efficiency and facilitates the transition to an energy system based on renewable energy. It is therefore in itself an effective means to reduce greenhouse gas emissions. The creation of a framework on additionality which applies specifically to renewable electricity supplied to electric vehicles in the transport **sector** is therefore not required. **Furthermore, solar-electric vehicles can make a crucial contribution to the decarbonisation of the Union's transport sector.**
- (80) Since renewable fuels of non-biological origin are to be counted as renewable energy regardless of the sector in which they are consumed, the rules to determine their renewable nature when produced from electricity, which were applicable only to those fuels when consumed in the transport sector, should be extended to all renewable fuels of non-biological origin, regardless of the sector **in which** they are consumed.

**(81) Renewable fuels of non-biological origin are important to increasing the share of renewable energy in sectors that are expected to rely on gaseous and liquid fuels in the long-term, including for industrial applications and in heavy-duty transport. By 1 July 2028, the Commission should assess the impact of the methodology defining when electricity used for producing renewable fuels of non-biological origin can be considered to be fully renewable, including the impact of additionality and temporal and geographical correlation on production costs, greenhouse gas emissions savings, and the energy system and should submit a report to the European Parliament and the Council. The report should assess in a particular the impact of that methodology on the availability and affordability of renewable fuels of non-biological origin for industry and transport sectors and on the ability of the Union to achieve its targets for renewable fuels of non-biological origin, taking into account the Union strategy for imported and domestic hydrogen while minimising the increase in greenhouse gas emissions in the electricity sector and the overall energy system.**

*If that report concludes that the methodology falls short of ensuring sufficient availability and affordability and does not substantially contribute to greenhouse gas emissions savings, energy system integration and the achievement of the Union targets for 2030 for renewable fuels of non-biological origin , the Commission should review the Union methodology and, where appropriate, adopt a delegated act to amend the methodology to provide the necessary adjustments to the criteria in order to facilitate the ramping-up of the hydrogen industry.*

- (82) To ensure higher environmental effectiveness of the Union sustainability and greenhouse **gas** emissions saving criteria for solid biomass fuels in installations producing heating, electricity and cooling, the minimum threshold for the applicability of such criteria should be lowered from the current 20 MW to 7,5 MW.

- (83) Directive (EU) 2018/2001 strengthened the bioenergy sustainability and greenhouse gas **emissions** savings framework by setting criteria for all end-use sectors. It set out specific rules for biofuels, bioliquids and biomass fuels produced from forest biomass, requiring the sustainability of harvesting operations and the accounting of land-use change emissions. ***In line with the objectives to preserve biodiversity and prevent habitat destruction pursuant to Directive 92/43/EEC, Directive 2000/60/EC, Directive 2008/56/EC of the European Parliament and of the Council<sup>35</sup> and Directive 2009/147/EC, it is necessary to*** achieve the enhanced protection of especially biodiverse and carbon-rich habitats, such as primary ***and old-growth*** forests, highly biodiverse forests, grasslands, peat lands ***and heathlands***. ***Therefore,*** exclusions and limitations to the sourcing of forest biomass from those areas should be introduced, in line with the approach for biofuels, bioliquids and biomass fuels produced from agricultural biomass, ***except where the risk-based approach provides for the necessary exclusions and limitations and operators provide the necessary assurances***. In addition, ***subject to appropriate transition periods for investment security purposes,*** the greenhouse gas emissions saving criteria should also ***gradually*** apply to existing biomass-based installations to ensure that bioenergy production in all such installations leads to greenhouse gas emission reductions compared to energy produced from fossil fuels.

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<sup>35</sup> ***Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).***

- (84) *The sustainability criteria concerning forest biomass harvesting should be further specified, in line with the principles of sustainable forest management. Those specifications should aim to strengthen and clarify the risk-based approach for forest biomass, while providing Member States with proportionate provisions allowing for targeted adaptations for practices that can be locally appropriate.*
- (85) *Member States should ensure that their use of forest biomass for producing energy is compatible with their obligations pursuant to Regulation (EU) 2018/841 of the European Parliament and of the Council<sup>36</sup>. To that end, Member States should conduct forward-looking assessments and implement necessary measures that complement their obligations pursuant to Regulation (EU) 2018/1999.*

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<sup>36</sup> *Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU (OJ L 156, 19.6.2018, p. 1).*

- (86) *In view of the specific situation of the outermost regions referred to in Article 349 TFEU and characterised in the energy sector by isolation, limited supply and dependence on fossil fuels, provision should be made to extend the derogation that allows Member States to adopt specific criteria in order to ensure eligibility for financial support for the consumption of certain biomass fuels in those regions to also cover bioliquids and biofuels. Any specific criteria should be objectively justified on the grounds of energy independence of the outermost region concerned and of ensuring a smooth transition to the sustainability criteria, the energy efficiency criteria and the greenhouse gas emissions saving criteria in the outermost region concerned in accordance with Directive (EU) 2018/2001.*
- (87) *The Union is committed to improving the environmental, economic and social sustainability of biomass fuel production. This Directive is complementary to other Union legislative acts, in particular any legislative act on corporate sustainability due diligence which lays down due diligence requirements in the value chain with regard to adverse human rights or environmental impact.*

- (88) In order to reduce the administrative burden for producers of renewable fuels and recycled carbon fuels and for Member States, where voluntary or national schemes have been recognised by the Commission through an implementing act as giving evidence or providing accurate data regarding compliance with sustainability and greenhouse gas emissions saving criteria as well as other requirements ***laid down in the amending provisions*** set out in this Directive, Member States should accept the results of the certification issued by such schemes within the scope of the Commission's recognition. In order to reduce the burden on small installations, Member States should be able to establish a simplified ***voluntary*** verification mechanism for installations ***with a total thermal input*** of between ***7,5 MW*** and ***20 MW***.
- (89) ***To mitigate the risks and better prevent fraud in the supply chains for bioenergy and recycled carbon fuels, Directive (EU) 2018/2001 provides for valuable additions in terms of transparency, traceability and supervision. In that context, the*** Union database to be set up by the Commission aims at enabling the tracing of liquid and gaseous renewable fuels and recycled carbon fuels. The scope of the database should be extended from transport to all other end-use sectors in which such fuels are consumed. Such an extension is intended to make a vital contribution to the comprehensive monitoring of the production and consumption of those fuels, mitigating risks of double-counting or irregularities along the supply chains covered by the Union database. In addition, to avoid any risk of double claims on the same renewable gas, a guarantee of origin issued for any consignment of renewable gas registered in the database should be cancelled. ***The database should be made publicly available in an open, transparent and user-friendly manner, while also respecting the principles of private and commercially sensitive data protection. The Commission should publish annual reports about the information reported in the Union database, including the quantities, geographic origin and feedstock type of biofuels, bioliquids and biomass fuels. The Commission and Member States should endeavour to work on the interconnectivity between the Union database and existing national databases, enabling a smooth transition as well as enabling the bi-directionality of the databases. Complementary to that strengthening of the transparency and the traceability of individual consignments of raw materials and fuels in the supply chain, recently***

*adopted Commission Implementing Regulation (EU) 2022/996<sup>37</sup> enhanced the requirements on auditing for certification bodies and increased the powers for public supervision of certification bodies, including the possibility for competent authorities to access documents and premises of economic operators in their supervisory controls. The integrity of the verification framework of Directive (EU) 2018/2001 has accordingly been significantly strengthened by complementing the auditing by certification bodies and Union database with verification and supervisory capacity of the competent authorities of the Member States. It is strongly recommended that Member States make use of both possibilities for public supervision.*

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<sup>37</sup> *Commission Implementing Regulation (EU) 2022/996 of 14 June 2022 on rules to verify sustainability and greenhouse gas emissions saving criteria and low indirect land-use change-risk criteria (OJ L 168, 27.6.2022, p. 1).*



- (90) The Commission and the Member States should continuously adapt to best administrative practices and take all appropriate measures to simplify the implementation of Directive (EU) 2018/2001, and thus reduce compliance costs for involved actors and affected sectors.*
- (91) Adequate anti-fraud provisions must be laid down, in particular in relation to the use of waste-based raw materials or of biomass that is identified as representing a high indirect land use change risk. As the detection and prevention of fraud is essential to prevent unfair competition and rampant deforestation, including in third countries, full and certified traceability of those raw materials should be implemented.*
- (92) Directive (EU) 2018/2001 should therefore be amended accordingly.*

- (93) ■ Regulation (EU) 2018/1999 makes several references to the Union-level binding target of at least 32 % for the share of renewable energy consumed in the Union in 2030. As that target needs to be increased in order to contribute effectively to the ambition to decrease greenhouse gas emissions by 55 % by 2030, those references should be amended. Any additional planning and reporting requirements set will not create a new planning and reporting system, but should be subject to the existing planning and reporting framework under that Regulation.
- (94) The scope of Directive 98/70/EC of the European Parliament and of the Council<sup>38</sup> should be amended in order to avoid a duplication of regulatory requirements with regard to transport fuel decarbonisation objectives and to align with Directive (EU) 2018/2001.
- (95) The definitions *laid down* Directive 98/70/EC should be *aligned* with *those laid down in* Directive (EU) 2018/2001 *in order to* avoid different definitions being applied *pursuant to* those two acts.

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<sup>38</sup> Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (OJ L 350, 28.12.1998, p. 58).

- (96) The obligations regarding the greenhouse gas emissions reduction and the use of biofuels in Directive 98/70/EC should be deleted in order to streamline and avoid double regulation with regard to the strengthened transport fuel decarbonisation obligations which are provided for in Directive (EU) 2018/2001.
- (97) The obligations regarding the monitoring of and reporting on the greenhouse gas emission reductions set out in Directive 98/70/EC should be deleted to avoid ***duplicating the regulation of*** reporting obligations ■ .
- (98) Council Directive (EU) 2015/652<sup>39</sup>, which provides the detailed rules for the uniform implementation of Article 7a of Directive 98/70/EC, should be repealed as it becomes obsolete with the repeal of Article 7a of Directive 98/70/EC by this Directive.

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<sup>39</sup> ***Council Directive (EU) 2015/652 of 20 April 2015 laying down calculation methods and reporting requirements pursuant to Directive 98/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels (OJ L 107, 25.4.2015, p. 26).***

- (99) As regards bio-based components in diesel fuel, the reference in Directive 98/70/EC to diesel fuel B7, that is diesel fuel containing up to 7 % fatty acid methyl esters (FAME) , limits available options to attain higher biofuel incorporation targets as set out in Directive (EU) 2018/2001. That is due to the fact that almost the entire Union supply of diesel fuel is already B7. For that reason, the maximum share of bio-based components should be increased from 7 % to 10 %. Sustaining the market uptake of B10, that is diesel fuel containing up to 10 % FAME, requires a Union-wide B7 protection grade for 7 % FAME in diesel fuel due to the sizeable proportion of vehicles not compatible with B10 expected to be present in the fleet by 2030. That should be reflected in Article 4(1), second subparagraph, of Directive 98/70/EC.
- (100) **Transitional** provisions should allow for an ordered continuation of data collection and the fulfilment of reporting obligations with respect to the articles of Directive 98/70/EC deleted by this Directive.

- (101) *Since the objectives of this Directive, namely reducing greenhouse gas emissions, energy dependence and energy prices, cannot be sufficiently achieved by the Member States but can rather, by reasons of the scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.*
- (102) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents<sup>40</sup>, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the **legislators consider** the transmission of such documents to be justified, in particular following the judgment of the European Court of Justice in Case Commission vs Belgium<sup>41</sup> (case C-543/17).

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<sup>40</sup> OJ C 369, 17.12.2011, p. 14.

<sup>41</sup> Judgment of the Court of Justice of 8 July 2019, Commission v Belgium, C-543/17, ECLI: EU: C:2019:573.

*(103) In order to offset the regulatory burdens introduced by this Directive on citizens, administrations and undertakings, the Commission should review the regulatory framework in the sectors concerned in line with the ‘one in, one out’ principle, as set out in the Commission communication of 29 April 2021, entitled ‘Better Regulation: Joining forces to make better laws’,*

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive (EU) 2018/2001

Directive (EU) 2018/2001 is amended as follows:

(1) in Article 2, the second paragraph is amended as follows:

**(a) point (1) is replaced by the following:**

***‘(1) “energy from renewable sources” or “renewable energy” means energy from renewable non-fossil sources, namely wind, solar (solar thermal and solar photovoltaic) and geothermal energy, osmotic energy, ambient energy, tide, wave and other ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas, and biogas;***

***(1a) ‘industrial grade roundwood’ means saw logs, veneer logs, round or split pulpwood, as well as all other roundwood that is suitable for industrial purposes, excluding roundwood the characteristics of which, such as species, dimensions, rectitude and node density, make it unsuitable for industrial use as defined and duly justified by Member States according to the relevant forest and market conditions;’;***

(b) *point (4) is replaced by the following:*

*‘(4) “gross final consumption of energy” means the energy commodities delivered for energy purposes to industry, transport, households, services including public services, agriculture, forestry and fisheries, the consumption of electricity and heat by the energy branch for electricity and heat production, and losses of electricity and heat in distribution and transmission;’;*

(c) *the following points are inserted:*

*‘(9a) “renewables acceleration area” means a specific location or area, whether on land, sea or inland waters, which a Member State designated as particularly suitable for the installation of renewable energy plants;*

*(9b) “solar energy equipment” means equipment that converts energy from the sun into thermal or electrical energy, in particular solar thermal and solar photovoltaic equipment;’;*

■



(d) the following points are *inserted*:

(14a) “bidding zone” means a bidding zone as defined in Article 2, point (65), of Regulation (EU) 2019/943 of the European Parliament and of the Council\*;

***(14b) “innovative renewable energy technology” means renewable energy generation technology that improves, in at least one way, comparable state-of-the-art renewable energy technology or that renders renewable energy technology that is not fully commercialised or that involves a clear degree of risk exploitable;***

(14c) “smart metering system” means **a** smart metering system as defined in Article 2, point (23), of Directive (EU) 2019/944 of the European Parliament and of the Council\*\*;

(14d) “recharging point” means **a** recharging point as defined in **■** Article 2, point (48), of Regulation (EU) .../... of the European Parliament and of the Council\*\*\***■** ;

(14e) “market participant” means **a** market participant as defined in **■** Article 2, point (25), of Regulation (EU) 2019/943;

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<sup>+</sup> OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 25/23 (2021/0223(COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.

- (14f) “electricity market” means electricity markets as defined in Article 2, point (9), of Directive **(EU) 2019/944**;
- (14g) “domestic battery” means a stand-alone rechargeable battery of rated capacity greater than 2 kwh, which is suitable for installation and use in a domestic environment;
- (14h) “electric vehicle battery” means an electric vehicle battery as defined in Article 3(1), point (14), of **Regulation (EU) .../... of the European Parliament and of the Council\*\*\*\***;
- (14i) “industrial battery” means **an** industrial battery as defined in Article 3(1), point (13), of **Regulation (EU) .../...<sup>++</sup>**;
- (14j) “state of health” means state of health as defined in **■** Article 3(1), point (28), of **Regulation (EU) .../...<sup>+++</sup>**;
- (14k) “state of charge” means state of charge as defined in Article 3(1), point (27), of **Regulation (EU) .../...<sup>+++</sup>**;

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<sup>+</sup> **OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 2/23 (2020/0353(COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.**

<sup>++</sup> **OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 2/23 (2020/0353(COD)).**

<sup>+++</sup> **OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 2/23 (2020/0353(COD)).**

<sup>+++</sup> **OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 2/23 (2020/0353(COD)).**

- (14l) “power set point” means the *dynamic* information held in a battery’s management system prescribing the electric power settings at which the battery *should optimally operate* during a recharging or a discharging operation, so that its state of health and operational use are optimised;
- (14m) “smart *recharging*” means a recharging operation in which the intensity of electricity delivered to the battery is adjusted *dynamically, on the basis of* information received through electronic communication;
- (14n) “regulatory authority” means *a* regulatory authority *as* defined in Article 2, point (2), of Regulation (EU) 2019/943;
- (14o) “bi-directional recharging” means bi-directional recharging as defined in Article 2, point (11), of Regulation (EU) .../...<sup>+</sup>;
- (14p) “normal power recharging point” means *a* normal power recharging point as defined in Article 2, point (37), of *Regulation (EU) .../...<sup>++</sup>*;

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<sup>+</sup> OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 25/23 (2021/0223(COD)).

<sup>++</sup> *OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 25/23 (2021/0223(COD)).*

***(14q) “renewable energy purchase agreement” means a contract under which a natural or legal person agrees to purchase renewable energy directly from a producer, which encompasses, but is not limited to, renewables power purchase agreements and renewables heating and cooling purchase agreements;***

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- \* ***Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (OJ L 158, 14.6.2019, p. 54).***
- \*\* ***Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125).***
- \*\*\* ***Regulation (EU) .../... of the European Parliament and of the Council of ... on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU (OJ ...).***
- \*\*\*\* ***Regulation (EU) .../... of the European Parliament and of the Council of ... concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (OJ ...).’;***

*(e) the following points are inserted:*

- (18a) “industry” means undertakings and products that fall ***under*** sections B, C, ***and*** F and ***under section J***, division (63) of the statistical classification of economic activities (NACE REV.2), as set out in Regulation (EC) No 1893/2006 of the European Parliament and of the Council\*;
- (18b) “non-energy purpose” means the use of fuels as raw materials in an industrial process, ***rather than*** to produce energy;

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\* ***Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1).***;

*(f) the following points are inserted:*

- (22a) “renewable fuels” means biofuels, bioliquids, biomass fuels and renewable fuels of non-biological origin;
- (22b) “energy efficiency first” means ***energy efficiency first as defined in Article 2, point (18), of Regulation (EU) 2018/1999;***;

**(g)** point (36) is replaced by the following:

‘(36) “renewable fuels of non-biological origin” means liquid and gaseous fuels the energy content of which is derived from renewable sources other than biomass;’;

**(h)** *the following points are inserted:*

‘(44a) “plantation forest” means a plantation forest as defined in Article 2, point (11), of Regulation (EU) 2023/1115 of the European Parliament and of the Council\*;

**(44b)** *“osmotic energy” means energy created from the difference in salt concentration between two fluids, such as fresh water and salt water;*

**(44c)** *“system efficiency” means the selection of energy-efficient solutions where they also enable a cost-effective decarbonisation pathway, additional flexibility and the efficient use of resources;*

*(44d) “co-located energy storage” means an energy storage facility combined with a facility producing renewable energy and connected to the same grid access point;*

*(44e) “solar-electric vehicle” means a motor vehicle equipped with a powertrain containing only non-peripheral electric machines as energy converter, with an electric rechargeable energy storage system which can be recharged externally, and with vehicle-integrated photovoltaic panels;*

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\* *Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010 (OJ L 150, 9.6.2023, p. 206).’;*



(2) Article 3 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Member States shall collectively ensure that the share of energy from renewable sources in the Union’s gross final consumption of energy in 2030 is at least **42,5** %.

*Member States shall collectively endeavour to increase the share of energy from renewable sources in the Union’s gross final consumption of energy in 2030 to 45 %.*

*Member States shall set an indicative target for innovative renewable energy technology of at least 5 % of newly installed renewable energy capacity by 2030.’;*

(b) paragraph 3 is replaced by the following:

‘3. Member States shall take measures to ensure that energy from biomass is produced in a way that minimises undue distortive effects on the biomass raw material market and an adverse impact on biodiversity, ***the environment and the climate***. To that end, they shall take into account the waste hierarchy **■** set out in Article 4 of Directive 2008/98/EC and ***shall ensure the application of*** the principle of the cascading use of biomass, ***with a focus on support schemes and with due regard to national specificities***.

***Member States shall design support schemes for energy from biofuels, bioliquids and biomass fuels in such a way as to avoid incentivising unsustainable pathways and distorting competition with the material sectors, with a view to ensuring that woody biomass is used according to its highest economic and environmental added value in the following order of priorities:***

- (a) wood-based products;***
- (b) extending the service life of wood-based products;***
- (c) re-use;***
- (d) recycling;***

*(e) bioenergy; and*

*(f) disposal.*

*3a. Member States may derogate from the principle of the cascading use of biomass referred to in paragraph 3 where needed to ensure security of energy supply. Member States may also derogate from that principle where the local industry is quantitatively or technically unable to use forest biomass for an economic and environmental added value that is higher than energy production, for feedstocks coming from:*

*(a) necessary forest management activities, aiming to ensure pre-commercial thinning operations or carried out in accordance with national law on wildfire prevention in high-risk areas;*

*(b) salvage logging following documented natural disturbances; or*

*(c) the harvest of certain woods whose characteristics are not suitable for local processing facilities.*

**3b. Member States shall, no more than once a year, notify the Commission of a summary of the derogations from the principle of the cascading use of biomass pursuant to paragraph 3a, together with the reasons for such derogations and the geographical scale to which they apply. The Commission shall make public the notifications received, and may issue a public opinion with regard to any of them.**

**3c. Member States shall *not* grant *direct financial* support for:**

- (a) the use of saw logs, veneer logs, *industrial grade roundwood*, stumps and roots to produce energy;**
- (b) the production of renewable energy from the incineration of waste, *unless* the separate collection obligations laid down in Directive 2008/98/EC have been complied with.**

**█**

**3d.** *Without* prejudice to paragraph 3, Member States shall **not** grant **new** support or **renew any support for** the production of electricity from forest biomass in electricity-only installations, unless such electricity meets at least one of the following conditions:

- (a) it is produced in a region identified in a territorial just transition plan established in accordance with Article 11 of Regulation (EU) 2021/**1056** of the European Parliament and of the Council\* due to its reliance on solid fossil fuels, and it meets the relevant requirements set out in Article 29(11) *of this Directive*;
- (b) it is produced applying biomass CO<sub>2</sub> capture and storage and it meets the requirements set out *in* Article 29(11), second subparagraph;
- (c) *it is produced in an outermost region as referred to in Article 349 TFEU, for a limited period and with the objective of phasing down, to the greatest extent possible, the use of forest biomass without affecting access to safe and secure energy.*

■

By **2027**, the Commission shall publish a report on the impact of the Member States' support schemes for biomass, including on biodiversity, ***on the climate and the environment***, and on possible market distortions, and ***shall*** assess the possibility for further limitations regarding support schemes for forest biomass.

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\* ***Regulation (EU) 2021/1056 of the European Parliament and of the Council of 24 June 2021 establishing the Just Transition Fund (OJ L 231, 30.6.2021, p. 1).***';

(c) the following paragraph **■** is inserted:

‘4a. Member States shall establish a framework, which may include support schemes and *measures* facilitating the uptake of renewables power purchase agreements, enabling the deployment of renewable electricity to a level that is consistent with the Member State’s national contribution referred to in paragraph 2 *of this Article* and at a pace that is consistent with the indicative trajectories referred to in Article 4(a)(2) of Regulation (EU) 2018/1999. In particular, that framework shall tackle remaining barriers *to a high level of renewable electricity supply*, including those related to permit-granting procedures, *and to the development of the necessary transmission, distribution and storage infrastructure, including co-located energy storage*. When designing that framework, Member States shall take into account the additional renewable electricity required to meet demand in the transport, industry, building and heating and cooling sectors and for the production of renewable fuels of non-biological origin. *Member States may include a summary of the policies and measures under the framework and an assessment of their implementation, respectively, in their integrated national energy and climate plans submitted pursuant to Articles 3 and 14 of Regulation (EU) 2018/1999 and in their integrated national energy and climate progress reports submitted pursuant to Article 17 of that Regulation.*’;

(3) Article 7 is amended as follows:

(a) in paragraph 1, the second subparagraph is replaced by the following:

‘With regard to the first subparagraph, point (a), (b), or (c), gas and electricity from renewable sources shall be considered only once for the purposes of calculating the share of gross final consumption of energy from renewable sources.

**Energy** produced from renewable fuels of non-biological origin shall be counted in the sector — electricity, heating and cooling, or transport — where it is consumed.



*Without prejudice to the third subparagraph, Member States may agree, via a specific cooperation agreement, to count all or part of the renewable fuels of non-biological origin consumed in one Member State towards the share of gross final consumption of energy from renewable sources in the Member State where those fuels are produced. In order to monitor whether the same renewable fuels of non-biological origin are not counted in both the Member State where they are produced and in the Member State where they are consumed and in order to record the amount counted, Member States shall notify the Commission of any such cooperation agreement. Such a cooperation agreement shall include the amount of renewable fuels of non-biological origin to be counted in total and for each Member State and the date on which the cooperation agreement is to become operational.’;*

(b) in paragraph 2, the first subparagraph is replaced by the following:

‘For the purposes of paragraph 1, first subparagraph, point (a), gross final consumption of electricity from renewable sources shall be calculated as the quantity of electricity produced in a Member State from renewable sources, including the production of electricity from renewables self-consumers and renewable energy communities and electricity from renewable fuels of non-biological origin and excluding the production of electricity in pumped storage units from water that has previously been pumped uphill as well as the electricity used to produce renewable fuels of non-biological origin.’;

(c) in paragraph 4, point (a) is replaced by the following:

‘(a) Final consumption of energy from renewable sources in the transport sector shall be calculated as the sum of all biofuels, biogas and renewable fuels of non-biological origin consumed in the transport sector. ***That shall include renewable fuels supplied to international marine bunkers.***’;

(4) Article 9 is amended as follows:

(a) the following paragraph **■** is inserted:

‘1a. By 31 December 2025, each Member State shall agree to establish *a framework for cooperation on joint projects* with one or more other Member States for the production of renewable energy, *subject to the following:*

(a) *by 31 December 2030, Member States shall endeavour to agree on establishing at least two joint projects;*

(b) *by 31 December 2033, Member States with an annual electricity consumption of more than 100 TWh shall endeavour to agree on establishing a third joint project.*

*The identification of joint offshore renewable energy projects shall be consistent with the needs identified in the high-level strategic integrated offshore network development plans for each sea-basin referred to in Article 14(2) of Regulation (EU) 2022/869 of the European Parliament and of the Council\* and the Union-wide ten-year network development plan referred to in Article 30(1), point (b), of Regulation (EU) 2019/943, but may go beyond those needs and may involve local and regional authorities and private undertakings.*

***Member States shall work towards a fair distribution of the costs and benefits of joint projects. To that end, Member States shall take into account all the relevant costs and benefits of the joint project in the relevant cooperation agreement.***

***Member States shall notify the Commission*** **■** ***of cooperation agreements, including the date on which the joint **projects are** expected to become operational. Projects financed by national contributions under the Union renewable energy financing mechanism established by Commission Implementing Regulation (EU) 2020/1294\*\* shall be deemed to satisfy the obligations referred to in the first subparagraph for the Member States involved.***

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\* Regulation (EU) 2022/869 of the European Parliament and of the Council of 30 May 2022 on guidelines for trans-European energy infrastructure, amending Regulations (EC) No 715/2009, (EU) 2019/942 and (EU) 2019/943 and Directives 2009/73/EC and (EU) 2019/944, and repealing Regulation (EU) No 347/2013 (OJ L 152, 3.6.2022., p. 45).

\*\* ***Commission Implementing Regulation (EU) 2020/1294 of 15 September 2020 on the Union renewable energy financing mechanism (OJ L 303, 17.9.2020, p. 1).***’;

(b) the following paragraph is inserted:

*‘7a. On the basis of the indicative goals for offshore renewable energy generation to be deployed within each sea basin, identified in accordance with Article 14 of Regulation (EU) 2022/869, the Member States concerned shall publish information on the volumes of offshore renewable energy that they plan to achieve through tenders, taking into account technical and economic feasibility for the grid infrastructure and the activities that already take place. Member States shall endeavour to allocate space for offshore renewable energy projects in their maritime spatial plans, taking into account the activities that already take place in the affected areas. In order to facilitate permit-granting for joint offshore renewable energy projects, Member States shall reduce the complexity and increase the efficiency and transparency of the permit-granting procedure, shall enhance cooperation among themselves and shall, where appropriate, establish a single contact point. In order to enhance public acceptance, Member States may include renewable energy communities in joint offshore renewable energy projects.’;*

(5) Article 15 is amended as follows:

(a) in paragraph 1, the first subparagraph is replaced by the following:

‘1. Member States shall ensure that any national rules concerning the authorisation, certification and licensing procedures that are applied to plants and associated transmission and distribution networks for the production of electricity, heating or cooling from renewable sources, to the process of transformation of biomass into biofuels, bioliquids, biomass fuels or other energy products, and to renewable fuels of non-biological origin are proportionate and necessary and contribute to the implementation of the energy efficiency first principle.’;

(b) *paragraphs 2 and 3 are* replaced by the following:

‘2. Member States shall clearly define any technical specifications which are to be met by renewable energy equipment and systems in order to benefit from support schemes ***and to be eligible under public procurement***. Where harmonised standards or European standards exist, including technical reference systems established by the European standardisation organisations, such technical specifications shall be expressed in terms of those standards. Precedence shall be given to harmonised standards, the references of which have been published in the *Official Journal of the European Union* in support of ***Union law, including Regulation (EU) 2017/1369 of the European Parliament and of the Council\* and Directive 2009/125/EC of the European Parliament and of the Council\*\****. In their absence, other harmonised standards and European standards shall be used, in that order. Such technical specifications shall not prescribe where the equipment and systems are to be certified and shall not impede the proper functioning of the internal market.

*2a. Member States shall promote the testing of innovative renewable energy technology for producing, sharing and storing of renewable energy through pilot projects in a real-world environment, for a limited period, in accordance with the applicable Union law and accompanied by appropriate safeguards to ensure the secure operation of the energy system and avoid disproportionate impact on the functioning of the internal market, under the supervision of a competent authority.*

3. *Member States shall ensure that their competent authorities at national, regional and local level include provisions for the integration and deployment of renewable energy, including for renewables self-consumption and renewable energy communities, and for the use of unavoidable waste heat and cold when planning, including early spatial planning, designing, building and renovating urban infrastructure, industrial, commercial or residential areas and energy and transport infrastructure, including electricity, district heating and cooling, natural gas and alternative fuel networks. Member States shall, in particular, encourage local and regional administrative bodies to include heating and cooling from renewable sources in the planning of city infrastructure where appropriate, and to consult the network operators to reflect the impact of energy efficiency and demand-response programmes as well as specific provisions on renewables self-consumption and renewable energy communities, on the infrastructure development plans of the network operators.*

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\* *Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (OJ L 198, 28.7.2017, p. 1).*

\*\* *Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10).<sup>2</sup>;*

- (c) paragraphs 4 to 7 are deleted;



(d) paragraph 8 is replaced by the following:

- ‘8. Member States shall assess the regulatory and administrative barriers to long-term *renewable energy* purchase agreements, and shall remove unjustified barriers to, and promote the uptake of, such agreements, including by exploring how to reduce the financial risks associated with them, in particular by using credit guarantees. Member States shall ensure that those agreements are not subject to disproportionate or discriminatory procedures or charges, and that any associated guarantees of origin can be transferred to the buyer of the renewable energy under the renewable *energy* purchase agreement.

Member States shall describe their policies and measures promoting the uptake of *renewable energy* purchase agreements in their integrated national energy and climate plans *submitted pursuant to* Articles 3 and 14 of Regulation (EU) 2018/1999 and *their integrated national energy and climate* progress reports submitted pursuant to Article 17 of that Regulation. They shall also provide, in those progress reports, an indication ■ of renewable energy generation that is supported by *renewable energy* purchase agreements.

*Following the assessment referred to in the first subparagraph, the Commission shall analyse the barriers to long-term renewable energy purchase agreements and in particular to the deployment of cross-border renewable energy purchase agreements and shall issue guidance on the removal those barriers.*

- 9. By ... *[two years* after the date of entry into force of this amending Directive], the Commission shall *consider if* additional measures *are needed* to support Member States in *the* implementation *of the permit-granting procedures provided for in this Directive, including by means of developing indicative key performance indicators.*';

(6) the following *articles are* inserted:

‘Article 15a

Mainstreaming renewable energy in buildings

1. In order to promote the production and use of renewable energy in the building sector, Member States shall *determine* an indicative *national* share of *renewable energy produced on-site or nearby as well as renewable energy taken from the grid* in final energy consumption in their building sector in 2030 that is consistent with an indicative target of at least a 49 % share of energy from renewable sources in the building sector in the Union’s final energy consumption *in buildings in 2030*. Member States shall include their indicative national *share* in the **■** integrated national energy and climate plans *submitted pursuant to Articles 3 and 14* of Regulation (EU) 2018/1999 as well as information on how they plan to achieve it.
2. *Member States may count waste heat and cold towards the indicative national share referred to in paragraph 1, up to a limit of 20 % of that share. If they decide to do so, the indicative national share shall increase by half of the percentage of waste heat and cold counted towards that share.*

3. Member States shall introduce **appropriate** measures in their **national** regulations and **building** codes and, where applicable, in their support schemes, to increase the share of electricity and heating and cooling from renewable sources **produced on-site or nearby as well as renewable energy taken from the grid** in the building stock. **Such measures may include** national measures relating to substantial increases in renewables self-consumption, renewable energy communities, local energy storage, **smart recharging and bi-directional recharging, other flexibility services such as demand response, and** in combination with energy efficiency improvements relating to cogeneration and **major renovations which increase the number of nearly zero energy buildings and buildings that go beyond minimum energy performance requirements provided for in Article 4 of Directive 2010/31/EU.**

In order to achieve the indicative share of *renewable energy provided for* in paragraph 1, Member States shall, in their *national* regulations and *building* codes and, where applicable, in their support schemes or by other means with equivalent effect, require the use of minimum levels of energy from renewable sources *produced on-site or nearby as well as renewable energy taken from the grid, in new buildings and in existing buildings that are undergoing major renovation or a renewal of the heating system*, in accordance with Directive 2010/31/EU, *where that is economically, technically and functionally feasible*. Member States shall allow those minimum levels to be fulfilled ■ through, *inter alia*, efficient district heating and cooling.

For existing buildings, the first subparagraph shall apply to the armed forces only to the extent that its application does not cause any conflict with the nature and primary aim of the activities of the armed forces and with the exception of material used exclusively for military purposes.

4. Member States shall ensure that public buildings at national, regional and local level fulfil an exemplary role as regards the share of renewable energy used, in accordance with Article 9 of Directive 2010/31/EU and Article 5 of Directive 2012/27/EU. Member States may allow that obligation to be fulfilled by, *inter alia*, providing for the roofs of public or mixed private-public buildings to be used by third parties for installations that produce energy from renewable sources.
  
5. *Where deemed to be relevant, Member States may promote cooperation between local authorities and renewable energy communities in the building sector, particularly through the use of public procurement.*

6. In order to achieve the indicative share of renewable energy *provided for* in paragraph 1, Member States shall promote the use of renewable heating and cooling systems and equipment *and may promote innovative technology, such as smart and renewable-based electrified heating and cooling systems and equipment, complemented, where applicable, with smart management of energy consumption in buildings*. To that end, Member States shall use all appropriate measures, tools and incentives, including, energy labels developed under Regulation (EU) 2017/1369, energy performance certificates established pursuant to Article 11 of Directive 2010/31/EU, *and* other appropriate certificates or standards developed at *Union or national* level, and shall ensure the provision of adequate information and advice on renewable, highly energy efficient alternatives as well as on financial instruments and incentives available to promote an increased replacement rate of old heating systems and an increased switch to solutions based on renewable energy.

**Article 15b**

**Mapping of areas necessary for national contributions towards the overall Union renewable energy target for 2030**

- 1. By ... [18 months after the date of entry into force of this amending Directive], Member States shall carry out a coordinated mapping for the deployment of renewable energy in their territory to identify the domestic potential and the available land surface, sub-surface, sea or inland water areas that are necessary for the installation of renewable energy plants and their related infrastructure, such as grid and storage facilities, including thermal storage, that are required in order to meet at least their national contributions towards the overall Union renewable energy target for 2030 set in Article 3(1) of this Directive. To that end, Member States may use or build upon their existing spatial planning documents or plans, including maritime spatial plans set up pursuant to Directive 2014/89/EU of the European Parliament and of the Council\*. Member States shall ensure coordination among all the relevant national, regional and local authorities and entities, including network operators, in the mapping of the necessary areas, where appropriate.**



*Member States shall ensure that such areas, including the existing renewable energy plants and cooperation mechanisms, are commensurate with the estimated trajectories and total planned installed capacity by renewable energy technology set out in their national energy and climate plans submitted pursuant to Articles 3 and 14 of Regulation (EU) 2018/1999.*

2. *For the purpose of identifying the areas referred to in paragraph 1, Member States shall take into account in particular:*
  - (a) *the availability of energy from renewable sources and the potential for renewable energy production of the different types of technology in the land surface, sub-surface, sea or inland water areas;*
  - (b) *the projected demand for energy, taking into account the potential flexibility of the active demand response, expected efficiency gains and energy system integration;*

- (c) *the availability of relevant energy infrastructure, including grids, storage and other flexibility tools or the potential to create or upgrade such grid infrastructure and storage.*
3. *Member States shall favour multiple uses of the areas referred to in paragraph 1. Renewable energy projects shall be compatible with pre-existing uses of those areas.*
4. *Member States shall periodically review and, where necessary, update the areas referred to in paragraph 1 of this Article, in particular in the context of the updates of their national energy and climate plans submitted pursuant to Articles 3 and 14 of Regulation (EU) 2018/1999.*

*Article 15c*

*Renewables acceleration areas*

1. *By ... [27 months after the date of entry into force of this amending Directive], Member States shall ensure that competent authorities adopt one or more plans designating, as a sub-set of the areas referred to in Article 15b(1), renewables acceleration areas for one or more types of renewable energy sources. Member States may exclude biomass combustion and hydropower plants. In those plans, competent authorities shall:*
  - (a) *designate sufficiently homogeneous land, inland water, and sea areas where the deployment of a specific type or specific types of renewable energy sources is not expected to have a significant environmental impact, in view of the particularities of the selected area, while:*
    - (i) *giving priority to artificial and built surfaces, such as rooftops and facades of buildings, transport infrastructure and their direct surroundings, parking areas, farms, waste sites, industrial sites, mines, artificial inland water bodies, lakes or reservoirs and, where appropriate, urban waste water treatment sites, as well as degraded land not usable for agriculture;*

- (ii) excluding Natura 2000 sites and areas designated under national protection schemes for nature and biodiversity conservation, major bird and marine mammal migratory routes as well as other areas identified on the basis of sensitivity maps and the tools referred to in the point (iii), except for artificial and built surfaces located in those areas such as rooftops, parking areas or transport infrastructure;*
- (iii) using all appropriate and proportionate tools and datasets to identify the areas where the renewable energy plants would not have a significant environmental impact, including wildlife sensitivity mapping, while taking into account the data available in the context of the development of a coherent Natura 2000 network, both as regards habitat types and species under Council Directive 92/43/EEC\*\*, as well as birds and sites protected under Directive 2009/147/EC of the European Parliament and of the Council\*\*\*;*

- (b) establish appropriate rules for the renewables acceleration areas on effective mitigation measures to be adopted for the installation of renewable energy plants and co-located energy storage, as well as assets necessary for the connection of such plants and storage to the grid, in order to avoid the adverse environmental impact that may arise or, where that is not possible, to significantly reduce it, where appropriate ensuring that appropriate mitigation measures are applied in a proportionate and timely manner to ensure compliance with the obligations laid down in Article 6(2) and Article 12(1) of Directive 92/43/EEC, Article 5 of Directive 2009/147/EEC and Article 4(1), point (a)(i), of Directive 2000/60/EC of the European Parliament and of the Council\*\*\*\* and to avoid deterioration and achieve good ecological status or good ecological potential in accordance with Article 4(1), point (a), of Directive 2000/60/EC.*

*The rules referred to in point (b) of the first subparagraph shall be targeted to the specificities of each identified renewables acceleration area, to the type or types of renewable energy technology to be deployed in each area and to the identified environmental impact.*

*Compliance with the rules referred to in the first subparagraph, point (b), of this paragraph and the implementation of the appropriate mitigation measures by the individual projects shall result in the presumption that projects are not in breach of those provisions without prejudice to Article 16a(4) and (5) of this Directive. Where novel mitigation measures to prevent, to the extent possible, the killing or disturbance of species protected under Directives 92/43/EEC and 2009/147/EC, or any other environmental impact, have not been widely tested as regards their effectiveness, Member States may allow their use for one or several pilot projects for a limited time period, provided that the effectiveness of such mitigation measures is closely monitored and appropriate steps are taken immediately if they prove not to be effective.*

*Competent authorities shall explain in the plans designating renewables acceleration areas referred to in the first subparagraph the assessment made to identify each designated renewables acceleration area on the basis of the criteria set out in point (a) of the first subparagraph and to identify appropriate mitigation measures.*

2. *Before their adoption, the plans designating renewables acceleration areas shall be subject to an environmental assessment pursuant to Directive 2001/42/EC of the European Parliament and of the Council\*\*\*\*, and, if they are likely to have a significant impact on Natura 2000 sites, to the appropriate assessment pursuant to Article 6(3) of Directive 92/43/EEC.*
  
3. *Member States shall decide the size of renewables acceleration areas, in view of the specificities and requirements of the type or types of technology for which they set up renewables acceleration areas. While retaining the discretion to decide on the size of those areas, Member States shall aim to ensure that the combined size of those areas is significant and that they contribute to the achievement of the objectives set out in this Directive. The plans designating renewables acceleration areas referred to in paragraph 1, first subparagraph, of this Article shall be made publicly available and shall be reviewed periodically, as appropriate, in particular in the context of the updating of the integrated national energy and climate plans submitted pursuant to Articles 3 and 14 of Regulation (EU) 2018/1999.*

4. *By ... [6 months after the date of entry into force of this amending Directive], Member States may declare as renewables acceleration areas specific areas which have already been designated to be areas suitable for an accelerated deployment of one or more types of renewable energy technology, provided that all of the following conditions are met:*
- (a) such areas are outside Natura 2000 sites, areas designated under national protection schemes for nature and biodiversity conservation and identified bird migratory routes;*
  - (b) the plans identifying such areas have been the subject of a strategic environmental assessment pursuant to Directive 2001/42/EC and, where appropriate, of an assessment pursuant to Article 6(3) of Directive 92/43/EEC;*
  - (c) the projects located in such areas implement appropriate and proportionate rules and measures to address the adverse environmental impact that may arise.*



5. *The competent authorities shall apply the permit-granting procedure and deadlines referred to in Article 16a to individual projects in renewables acceleration areas.*

*Article 15d*

*Public participation*

1. *Member States shall ensure public participation regarding the plans designating renewables acceleration areas referred to in Article 15c(1), first subparagraph, in accordance with Article 6 of Directive 2001/42/EC, including identifying the public affected or likely to be affected.*

2. *Member States shall promote public acceptance of renewable energy projects by means of direct and indirect participation of local communities in those projects.*

*Article 15e*

*Areas for grid and storage infrastructure necessary to integrate renewable energy into the electricity system*

1. *Member States may adopt one or more plans to designate dedicated infrastructure areas for the development of grid and storage projects that are necessary to integrate renewable energy into the electricity system where such development is not expected to have a significant environmental impact, such an impact can be duly mitigated or, where not possible, compensated for. The aim of such areas shall be to support and complement the renewables acceleration areas. Those plans shall:*
  - (a) *for grid projects, avoid Natura 2000 sites and areas designated under national protection schemes for nature and biodiversity conservation, unless there are no proportionate alternatives for their deployment, taking into account the objectives of the site;*

- (b) for storage projects, exclude Natura 2000 sites and areas designated under national protection schemes;*
- (c) ensure synergies with the designation of renewables acceleration areas;*
- (d) be subject to an environmental assessment pursuant to Directive 2001/42/EC and, where applicable, to an assessment pursuant to Article 6(3) of Directive 92/43/EEC; and*
- (e) establish appropriate and proportionate rules, including on proportionate mitigation measures to be adopted for the development of grid and storage projects in order to avoid adverse effects on the environment that may arise, or, where it is not possible to avoid such effects, to significantly reduce them.*

*While preparing such plans, Member States shall consult the relevant infrastructure system operators.*

2. *By way of derogation from Article 2(1) and Article 4(2) of and Annex I, point 20, and Annex II, point (3)(b), to Directive 2011/92/EU of the European Parliament and of the Council\*\*\*\*, and by way of derogation from Article 6(3) of Directive 92/43/EEC, Member States may, under justified circumstances, including where needed to accelerate the deployment of renewable energy in order to achieve the climate and renewable energy targets, exempt grid and storage projects which are necessary to integrate renewable energy into the electricity system from the environmental impact assessment pursuant to Article 2(1) of Directive 2011/92/EU, from an assessment of their implications for Natura 2000 sites pursuant to Article 6(3) of Directive 92/43/EEC and from the assessment of their implications on species protection pursuant to Article 12(1) of Directive 92/43/EEC and to Article 5 of Directive 2009/147/EC, provided that the grid or storage project is located in a dedicated infrastructure area designated in accordance with paragraph 1 of this Article and that it complies with the rules established, including on proportionate mitigation measures to be adopted, in accordance with paragraph 1, point (e), of this Article. Member States may also grant such exemptions in relation to infrastructure areas designated before ... [the date of entry into force of this amending Directive] if they were subject to an environmental assessment pursuant to Directive 2001/42/EC.*

*Such derogations shall not apply to projects that are likely to have significant effects on the environment in another Member State or where a Member State likely to be significantly affected so requests, as provided for in Article 7 of Directive 2011/92/EU.*

3. *Where a Member State exempts grid and storage projects pursuant to paragraph 2 of this Article from the assessments referred to in that paragraph, the competent authorities of that Member State shall carry out a screening process of projects that are located in dedicated infrastructure areas. Such a screening process shall be based on existing data from the environmental assessment pursuant to Directive 2001/42/EC. The competent authorities may request the applicant to provide additional available information. The screening process shall be finalised within 30 days. It shall aim to identify if any of such projects is highly likely to give rise to significant unforeseen adverse effects, in view of the environmental sensitivity of*

*the geographical areas where they are located, that were not identified during the environmental assessment of the plans designating dedicated infrastructure areas carried out pursuant to Directive 2001/42/EC and, where relevant, to Directive 92/43/EEC.*

4. *Where the screening process identifies a project to be highly likely to give rise to significant unforeseen adverse effects as referred to in paragraph 3, the competent authority shall ensure, on the basis of existing data, that appropriate and proportionate mitigation measures are applied to address those effects. Where it is not possible to apply such mitigation measures, the competent authority shall ensure that the operator adopts appropriate compensatory measures to address those effects, which, if other proportionate compensatory measures are not available, may take the form of a monetary compensation for species protection programmes, in order to ensure or improve the conservation status of the species affected.*

5. *Where the integration of renewable energy into the electricity system requires a project to reinforce the grid infrastructure in or outside dedicated infrastructure areas, and such a project is subject to a screening process carried out pursuant to paragraph 3 of this Article, to a determination whether the project requires an environmental impact assessment or to an environmental impact assessment pursuant to Article 4 of Directive 2011/92/EU, such a screening process, determination or environmental impact assessment shall be limited to the potential impact arising from the change or extension compared to the original grid infrastructure.*

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\* *Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning (OJ L 257, 28.8.2014, p. 135).*

\*\* *Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).*

\*\*\* *Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).*

\*\*\*\* *Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).*

\*\*\*\*\* *Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.7.2001, p. 30).*

\*\*\*\*\* *Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).’;*

(7) *Article 16 is replaced by the following:*

*‘Article 16*

*Organisation and main principles of the permit-granting procedure*

- 1. The permit-granting procedure shall cover all relevant administrative permits to build, repower and operate renewable energy plants, including those combining different renewable energy sources, heat pumps, and co-located energy storage, including power and thermal facilities, as well as assets necessary for the connection of such plants, heat pumps and storage to the grid, and to integrate renewable energy into heating and cooling networks, including grid connection permits and, where required, environmental assessments. The permit-granting procedure shall comprise all administrative stages from the acknowledgment of the completeness of the permit application in accordance with paragraph 2 to the notification of the final decision on the outcome of the permit-granting procedure by the relevant competent authority or authorities.*



2. *Within 30 days, for renewable energy plants located in renewables acceleration areas, and within 45 days, for renewable energy plants located outside renewables acceleration areas, of receipt of an application for a permit, the competent authority shall acknowledge the completeness of the application or, if the applicant has not sent all the information required to process the application, request that the applicant submit a complete application without undue delay. The date of acknowledgement of the completeness of the application by the competent authority shall serve as the start of the permit-granting procedure.*

3. *Member States shall set up or designate one or more contact points. Those contact points shall, upon the request of the applicant, guide and facilitate the applicant during the entire administrative permit-application and permit-granting procedure. The applicant shall not be required to contact more than one contact point during the entire procedure. The contact point shall guide the applicant through the administrative permit-application procedure, including the steps relating to the protection of the environment, in a transparent manner up to the delivery of one or more decisions by the competent authorities at the end of the permit-granting procedure, provide the applicant with all necessary information and, where appropriate, involve, other administrative authorities. The contact point shall ensure that the deadlines for the permit-granting procedures set out in this Directive are met. Applicants shall be allowed to submit relevant documents in digital form. By ... [two years after the date of entry into force of this amending Directive] Member States shall ensure that all permit-granting procedures are carried out in electronic form.*

4. *The contact point shall make available a manual of procedures for developers of renewable energy plants and shall provide that information online, addressing distinctly also small-scale renewable energy projects, renewables self-consumers projects and renewable energy communities. The online information shall indicate the contact point relevant to the application in question. If a Member State has more than one contact point, the online information shall indicate the contact point relevant to the application in question.*
  
5. *Member States shall ensure that applicants and the general public have easy access to simple procedures for the settlement of disputes concerning the permit-granting procedure and the issuance of permits to build and operate renewable energy plants, including, where applicable, alternative dispute resolution mechanisms.*

6. *Member States shall ensure that administrative and judicial appeals in the context of a project for the development of a renewable energy plant, the connection of that plant to the grid, and the assets necessary for the development of the energy infrastructure networks required to integrate energy from renewable sources into the energy system, including appeals related to environmental aspects, are subject to the most expeditious administrative and judicial procedure that is available at the relevant national, regional and local level.*

7. *Member States shall provide adequate resources to ensure qualified staff, upskilling and reskilling of their competent authorities in line with the planned installed renewable energy generation capacity provided for in their integrated national energy and climate plans submitted pursuant to Articles 3 and 14 of Regulation (EU) 2018/1999. Member States shall assist regional and local authorities in order to facilitate the permit-granting procedure.*
8. *Except when it coincides with other administrative stages of the permit-granting procedure, the duration of the permit-granting procedure shall not include:*
  - (a) *the time during which the renewable energy plants, their grid connections and, with a view to ensuring grid stability, grid reliability and grid safety, the related necessary grid infrastructure, are being built or repowered;*
  - (b) *the time for the administrative stages necessary for significant upgrades of the grid required to ensuring grid stability, grid reliability and grid safety;*
  - (c) *the time for any judicial appeals and remedies, other proceedings before a court or tribunal, and alternative dispute resolution mechanisms, including complaint procedures and non-judicial appeals and remedies.*

9. *Decisions resulting from the permit-granting procedures shall be made publicly available in accordance with the applicable law.’;*

*Article 16a*

*Permit-granting procedure in renewables acceleration areas*

1. *Member States shall ensure that the permit-granting procedure referred to in Article 16(1) shall not exceed 12 months for renewable energy projects in renewables acceleration areas. However, in the case of offshore renewable energy projects, the permit-granting procedure shall not exceed two years. Where duly justified on the ground of extraordinary circumstances, Member States may extend either of those periods by up to six months. Member States shall inform the project developer clearly of the extraordinary circumstances that justify such an extension.*

2. *The permit-granting procedure for the repowering of renewable energy power plants, for new installations with an electrical capacity of less than 150 kW, for co-located energy storage, including power and thermal facilities, as well as for their grid connection, where located in renewables acceleration areas, shall not exceed six months. However, in the case of offshore wind energy projects, the permit-granting procedure shall not exceed 12 months. Where duly justified on the ground of extraordinary circumstances, such as on grounds of overriding safety reasons where the repowering project has a substantial impact on the grid or on the original capacity, size or performance of the installation, Member States may extend the six-month period by up to three months and the 12-month period for offshore wind energy projects by up to six months. Member States shall inform the project developer clearly about the extraordinary circumstances that justify such an extension.*

3. *Without prejudice to paragraphs 4 and 5 of this Article, by way of derogation from Article 4(2) of and Annex II, points 3(a), (b), (d), (h), (i), and 6(c), alone or in conjunction with point 13(a), to Directive 2011/92/EU, with regard to renewable energy projects, new applications for renewable energy plants, including plants combining different types of renewable energy technology and the repowering of renewable energy power plants in designated renewables acceleration areas for the relevant technology and co-located energy storage, as well as the connection of such plants and storage to the grid, shall be exempt from the requirement to carry out a dedicated environmental impact assessment pursuant to Article 2(1) of Directive 2011/92/EU, provided that those projects comply with Article 15c(1), point (b), of this Directive. That derogation shall not apply to projects which are likely to have significant effects on the environment in another Member State or where a Member State that is likely to be significantly affected so requests, pursuant to Article 7 of Directive 2011/92/EU.*



*By way of derogation from Article 6(3) of Directive 92/43/EEC, the renewable energy plants referred to in the first subparagraph of this paragraph, shall not be subject to an assessment of their implications for Natura 2000 sites provided that those renewable energy projects comply with the rules and measures established in accordance with Article 15c(1), point (b), of this Directive.*

- 4. The competent authorities shall carry out a screening process of the applications referred to in paragraph 3 of this Article. Such a screening process shall aim to identify if any of the renewable energy projects is highly likely to give rise to significant unforeseen adverse effects in view of the environmental sensitivity of the geographical areas where they are located, which were not identified during the environmental assessment of the plans designating renewables acceleration areas referred to in Article 15c(1), first subparagraph, of this Directive carried out pursuant to Directive 2001/42/EC and, where relevant, to Directive 92/43/EEC. Such a screening process shall also aim to identify if any of such renewable energy projects falls within the scope of Article 7 of Directive 2011/92/EU due to its likelihood of significant effects on the environment in another Member State or due to the request of a Member State which is likely to be significantly affected.*

*For the purpose of such a screening process, the project developer shall provide information on the characteristics of the renewable energy project, on its compliance with the rules and measures identified pursuant to Article 15c(1), point (b), for the specific renewables acceleration area, on any additional measures adopted by the project developer, and on how those measures address environmental impact. The competent authority may request the project developer to provide additional available information. The screening process relating to applications for new renewable energy plants shall be finalised within 45 days from the date of submission of sufficient information necessary for that purpose . However, in the case of applications for installations with an electrical capacity of less than 150 kW and new applications for the repowering of renewable energy power plants, the screening process shall be finalised within 30 days.*

5. *Following the screening process, the applications referred to in paragraph 3 of this Article shall be authorised from an environmental perspective without requiring any express decision from the competent authority, unless the competent authority adopts an administrative decision, setting out due reasons on the basis of clear evidence, to the effect that a specific project is highly likely to give rise to significant unforeseen adverse effects in view of the environmental sensitivity of the geographical area where the project is located that cannot be mitigated by the measures identified in the plans designating acceleration areas or proposed by the project developer. Such decisions shall be made publicly available. Such renewable energy projects shall be subject to an environmental impact assessment pursuant to Directive 2011/92/EU and, if applicable, to an assessment pursuant to Directive 92/43/EEC, which shall be carried out within six months of the administrative decision identifying a high likelihood of significant unforeseen adverse effects. Where duly justified on the grounds of extraordinary circumstances, that six-month period may be extended by up to six months.*

*In the event of justified circumstances, including where needed to accelerate the deployment of renewable energy to achieve the climate and renewable energy targets, Member States may exempt wind and solar photovoltaic projects from such assessments.*

*Where Member States exempt wind and solar photovoltaics projects from those assessments, the operator shall adopt proportionate mitigation measures or, where such mitigation measures are not available, compensatory measures, which, if other proportionate compensatory measures are not available, may take the form of monetary compensation, in order to address any adverse effects. Where those adverse effects have an impact on species protection, the operator shall pay a monetary compensation for species protection programmes for the duration of the operation of the renewable energy plant in order to ensure or improve the conservation status of the species affected.*

- 6. In the permit-granting procedure referred to in paragraphs 1 and 2, Member States shall ensure that the lack of reply by the relevant competent authorities within the established deadline results in the specific intermediary administrative steps to be considered as approved, except where the specific renewable energy project is subject to an environmental impact assessment pursuant to paragraph 5 or where the principle of administrative tacit approval does not exist in the national legal system of the Member State concerned. This paragraph shall not apply to final decisions on the outcome of the permit-granting procedure, which shall be explicit. All decisions shall be made publicly available.*

*Article 16b*

*Permit-granting procedure outside renewables acceleration areas*

- 1. Member States shall ensure that the permit-granting procedure referred to in Article 16(1) shall not exceed two years for renewable energy projects located outside renewables acceleration areas. However, in the case of offshore renewable energy projects, the permit-granting procedure shall not exceed three years. Where duly justified on the grounds of extraordinary circumstances, including where they require extended periods needed for assessments under applicable Union environmental law, Member States may extend either of those periods by up to six months. Member States shall inform the project developer clearly of the extraordinary circumstances that justify such an extension.*

2. *Where an environmental assessment is required pursuant to Directive 2011/92/EU or 92/43/EEC, it shall be carried out in a single procedure that combines all relevant assessments for a given renewable energy project. When any such environmental impact assessment is required, the competent authority, taking into account the information provided by the project developer, shall issue an opinion on the scope and level of detail of the information to be included by the project developer in the environmental impact assessment report, of which the scope shall not be extended subsequently. Where a renewable energy project has adopted necessary mitigation measures, any killing or disturbance of the species protected under Article 12(1) of Directive 92/43/EEC and Article 5 of Directive 2009/147/EC shall not be considered to be deliberate. Where novel mitigation measures to prevent as much as possible the killing or disturbance of species protected under Directives 92/43/EEC and 2009/147/EC, or any other environmental impact, have not been widely tested as regards their effectiveness, Member States may allow their use for one or several pilot projects for a limited time period, provided that the effectiveness of such mitigation measures is closely monitored and appropriate steps are taken immediately if they do not prove to be effective.*

*The permit-granting procedure for the repowering of renewable energy power plants, for new installations with an electrical capacity of less than 150 kW and for co-located energy storage ,as well as for the connection of such plants, installations and storage to the grid, located outside renewables acceleration areas shall not exceed 12 months, including with regard to environmental assessments where required by the relevant law. However, in the case of offshore renewable energy projects, the permit-granting procedure shall not exceed two years. Where duly justified on the ground of extraordinary circumstances, Member States may extend either of those periods by up to three months. Member States shall inform the project developer clearly of the extraordinary circumstances that justify such an extension.*

*Article 16c*

*Accelerating the permit-granting procedure for repowering*

- 1. Where repowering of a renewable energy power plant does not result in an increase of the capacity of a renewable energy power plant beyond 15 %, and without prejudice to any assessment of potential environmental impact required pursuant to paragraph 2, Member States shall ensure that permit granting procedures for connections to the transmission or distribution grid shall not exceed three months following application to the relevant entity unless there are justified safety concerns or there is technical incompatibility of the system components.*



2. *Where the repowering of a renewable energy power plant is subject to the screening process provided for in Article 16a(4), to a determination whether the project requires an environmental impact assessment or to an environmental impact assessment pursuant to Article 4 of Directive 2011/92/EU, such a screening process, determination or environmental impact assessment shall be limited to the potential impact arising from a change or extension compared to the original project.*
  
3. *Where the repowering of solar installations does not entail the use of additional space and complies with the applicable environmental mitigation measures established for the original solar installation, the project shall be exempt from any applicable requirements to carry out a screening process as provided for in Article 16a(4), to determine whether the project requires an environmental impact assessment, or to carry out an environmental impact assessment pursuant to Article 4 of Directive 2011/92/EU.*

*Article 16d*

*Permit-granting procedure for the installation of solar energy equipment*

- 1. Member States shall ensure that the permit-granting procedure referred to in Article 16(1) for the installation of solar energy equipment and co-located energy storage, including building-integrated solar installations, in existing or future artificial structures, with the exclusion of artificial water surfaces, shall not exceed three months, provided that the primary aim of such artificial structures is not solar energy production or energy storage. By way of derogation from Article 4(2) of and Annex II, points 3(a) and (b), alone or in conjunction with point 13(a), to Directive 2011/92/EU, such installation of solar equipment shall be exempt from the requirement, if applicable, to carry out a dedicated environmental impact assessment pursuant to Article 2(1) of that Directive.*

*Member States may exclude certain areas or structures from the application of the first subparagraph for the purpose of protecting cultural or historical heritage, national defence interests, or safety reasons.*

2. *Member States shall ensure that the permit-granting procedure for the installation of solar energy equipment with a capacity of 100 kW or less, including for renewables self-consumers and renewable energy communities, shall not exceed one month. The lack of reply by the competent authorities or entities within the established deadline following the submission of a complete application shall result in the permit being considered as granted, provided that the capacity of the solar energy equipment does not exceed the existing capacity of the connection to the distribution grid.*

*Where the application of the capacity threshold referred to in the first subparagraph leads to a significant administrative burden or to constraints to the operation of the electricity grid, Member States may apply a lower capacity threshold provided that it remains above 10,8 kW.*

*Article 16e*

*Permit-granting procedure for the installation of heat pumps*

- 1. Member states shall ensure that the permit-granting procedure for the installation of heat pumps below 50 MW shall not exceed one month. However, in the case of ground source heat pumps, the permit-granting procedure shall not exceed three months.*
  
- 2. Unless there are justified safety concerns, unless further works are needed for grid connections or unless there is technical incompatibility of the system components, Member States shall ensure that connections to the transmission or distribution grid shall be permitted within two weeks of the notification to the relevant entity for:*
  - (a) heat pumps of up to 12 kW electrical capacity; and*
  
  - (b) heat pumps of up to 50 kW electrical capacity installed by renewables self-consumers, provided that the electrical capacity of a renewables self-consumer's renewable electricity generation installation amounts to at least 60 % of the electrical capacity of the heat pump.*

3. *Member States may exclude certain areas or structures from the application of paragraphs 1 and 2 for the purpose of protecting cultural or historical heritage, national defence interests, or safety reasons.*
  
4. *All decisions resulting from the permit-granting procedure referred to in paragraphs 1 and 2 shall be made publicly available in accordance with the applicable law.*

*Article 16f*

*Overriding public interest*

*By ... [three months after the date of entry into force of this amending Directive], until climate neutrality is achieved, Member States shall ensure that, in the permit-granting procedure, the planning, construction and operation of renewable energy plants, the connection of such plants to the grid, the related grid itself, and storage assets are presumed as being in the overriding public interest and serving public health and safety when balancing legal interests in individual cases for the purposes of Article 6(4) and Article 16(1), point (c), of Directive 92/43/EEC, Article 4(7) of Directive 2000/60/EC and Article 9(1), point (a), of Directive 2009/147/EC. Member States may, in duly justified and specific circumstances, restrict the application of this Article to certain parts of their territory, to certain types of technology or to projects with certain technical characteristics in accordance with the priorities set out in their integrated national energy and climate plans submitted pursuant to Articles 3 and 14 of Regulation (EU) 2018/1999. Member States shall inform the Commission of such restrictions, together with the reasons therefor.’;*

(8) in Article 18, paragraphs 3 and 4 are replaced by the following:

- ‘3. Member States shall ensure that ***their*** certification schemes ***or equivalent qualification schemes*** are available for installers and designers of all forms of renewable heating and cooling systems in buildings, industry and agriculture, ■ for installers of solar photovoltaic systems, ***including energy storage, and for installers of recharging points enabling demand response***. Those schemes may take into account existing schemes and structures as appropriate and shall be based on the criteria laid down in Annex IV. Each Member State shall recognise the certification awarded by other Member States in accordance with those criteria.

Member States shall *set up a framework to* ensure *a sufficient number of* trained and qualified installers of *the* technology *referred to in the first subparagraph* to service the growth of renewable *energy* required to *achieve the targets* set out in *this Directive*.

To achieve such *a* sufficient *number* of installers and designers, Member States shall ensure that sufficient training programmes leading to certification or qualification covering renewable heating and cooling technology, solar photovoltaic systems, *including energy storage, recharging points enabling demand response*, and the latest innovative solutions thereof, are made available *provided that they are compatible with their certification schemes or equivalent qualification schemes*. Member States shall put in place measures to promote participation in such training programmes, in particular by small and medium-sized enterprises and the self-employed. Member States may put in place voluntary agreements with the relevant technology providers and vendors to train sufficient numbers of installers, which may be based on estimates of sales, in the latest innovative solutions and technology available on the market.



*If Member States identify a substantial gap between available and necessary number of trained and qualified installers, they shall take measures to address that gap.*

4. Member States shall make information on **■** certification schemes *or equivalent qualification schemes* referred to in paragraph 3 available to the public. Member States shall *also make available to the public, in a transparent and easily accessible manner, a regularly updated* list of installers who are certified or qualified in accordance with paragraph 3 **■** .’;

(9) Article 19 is amended as follows:

(a) paragraph 2 is amended as follows:

(i) the first subparagraph is replaced by the following:

‘To that end, Member States shall ensure that a guarantee of origin is issued in response to a request from a producer of energy from renewable sources, ***including gaseous renewable fuels of non-biological origin such as hydrogen, unless Member States decide, for the purposes of accounting for the market value of the guarantee of origin, not to issue such a guarantee of origin to a producer that receives financial support from a support scheme.*** Member States may arrange for guarantees of origin to be issued for energy from non-renewable sources. Issuance of guarantees of origin may be made subject to a minimum capacity limit. A guarantee of origin shall be of the standard size of 1 MWh. ***Where appropriate, such standard size may be divided to a fraction size, provided that the fraction is a multiple of 1 Wh.*** No more than one guarantee of origin shall be issued in respect of each unit of energy produced.’;

*(ii) the following subparagraph is inserted after the second subparagraph:*

*‘Simplified registration processes and reduced registration fees shall be introduced for small installations of less than 50 kW and for renewable energy communities.’;*

*(iii) in the fourth subparagraph, point (c) is replaced by the following:*

*‘(c) where the guarantees of origin are not issued directly to the producer but to a supplier or consumer who buys the energy either in a competitive setting or in a long-term renewables power purchase agreement.’;*

*(b) paragraphs 3 and 4 are replaced by the following:*

- ‘3. For the purposes of paragraph 1, guarantees of origin shall be valid for transactions for 12 months after the production of the relevant energy unit. Member States shall ensure that all guarantees of origin that have not been cancelled expire at the latest 18 months after the production of the energy unit. Member States shall include expired guarantees of origin in the calculation of their residual energy mix.*
  
- 4. For the purposes of disclosure referred to in paragraphs 8 and 13, Member States shall ensure that energy undertakings cancel guarantees of origin at the latest six months after the end of the validity of the guarantee of origin. Furthermore, by ... [18 months after the date of entry into force of this amending Directive], Member States shall ensure that the data on their residual energy mix are published on an annual basis.’;*

***(c) in paragraph 7, point (a) is replaced by the following:***

***‘(a) the energy source from which the energy was produced and the start and end dates of production, which may be specified:***

***(i) in the case of renewable gas, including gaseous renewable fuels of non-biological origin, and renewable heating and cooling, at an hourly or sub-hourly interval;***

***(ii) for renewable electricity, in accordance with the imbalance settlement period as defined in Article 2, point (15), of Regulation (EU) 2019/943.’;***

(d) in paragraph 8, the following subparagraphs are inserted after the first subparagraph:

*‘Where gas is supplied from a hydrogen or natural gas network, including gaseous renewable fuels of non-biological origin and biomethane, the supplier is required to demonstrate to final consumers the share or quantity of energy from renewable sources in its energy mix for the purposes of Annex I to Directive 2009/73/EC. The supplier shall do so by using guarantees of origin except:*

- (a) as regards the share of its energy mix corresponding to non-tracked commercial offers, if any, for which the supplier may use the residual energy mix;*
- (b) where a Member State decides not to issue guarantees of origin to a producer that receives financial support from a support scheme.*

*When a customer consumes gas from a hydrogen or natural gas network, including gaseous renewable fuels of non-biological origin and biomethane, as demonstrated in the commercial offer by the supplier, Member States shall ensure that the guarantees of origin that are cancelled correspond to the relevant network characteristics.’;*

(e) *paragraph 13 is replaced by the following:*

*‘13. By 31 December 2025 the Commission shall adopt a report assessing options to establish a Union-wide green label with a view to promoting the use of renewable energy generated by new installations. Suppliers shall use the information contained in guarantees of origin to demonstrate compliance with the requirements of such a label.*

*13a. The Commission shall monitor the functioning of the guarantees of origin system and assess by 30 June 2025 the balance of supply and demand of guarantees of origin in the market and, in the case of imbalances, shall identify relevant factors affecting supply and demand.’*

(10) in Article 20, paragraph 3 is replaced by the following:

- ‘3. Subject to **the** assessment included in **their** integrated national energy and climate plans **submitted pursuant to Articles 3 and 14 of Regulation (EU) 2018/1999 and** in accordance with Annex I to **that** Regulation ■ on the necessity to build new infrastructure for district heating and cooling from renewable sources in order to achieve the overall Union target set in Article 3(1) of this Directive, Member States shall, where relevant, take the necessary steps with a view to developing efficient district heating and cooling infrastructure to promote heating and cooling from renewable sources, **such as solar thermal energy, solar photovoltaic energy, renewable electricity driven heat pumps using ambient energy and geothermal energy, other geothermal energy technology,** biomass, biogas, bioliquids and waste heat and cold, **where possible** in combination with thermal energy storage, **demand-response systems and power to heat installations.**’;



(11) the following Article ■ is inserted:

‘Article 20a

Facilitating system integration of renewable electricity

1. Member States shall require transmission system operators and, ***if the data are available to them***, distribution system operators in their territory to make available data on the share of renewable electricity and the greenhouse gas emissions content of the electricity supplied in each bidding zone, as accurately as possible ***in intervals equal to the market settlement frequency but*** of no more than one hour, with forecasting where available. ***Member States shall ensure that distribution system operators have access to the necessary data. If distribution system operators do not have access, pursuant to national law, to all the data needed, they shall apply the existing data reporting system under the European Network of Transmission System Operators for Electricity, in accordance with the provisions of Directive (EU) 2019/944. Member States shall provide incentives for upgrades of smart grids to better monitor grid balance and make available real time data.***

*If technically available, distribution system operators shall also make available anonymised and aggregated data on the demand response potential and the renewable electricity generated and injected to the grid by self-consumers and renewable energy communities.*

2. *The data referred to in paragraph 1 shall be made available digitally in a manner that ensures interoperability on the basis of harmonised data formats and standardised data sets so that it can be used in a non-discriminatory manner by electricity market participants, aggregators, consumers and end-users, and that it can be read by electronic communication devices such as smart metering systems, electric vehicle recharging points, heating and cooling systems and building energy management systems.*

3. In addition to the requirements *laid down in Regulation (EU) .../...* <sup>+</sup>, Member States shall ensure that manufacturers of domestic and industrial batteries enable real-time access to basic battery management system information, including battery capacity, state of health, state of charge and power set point, to battery owners and users, as well as to third parties acting, *with explicit consent, on the owners' and users' behalf*, such as building energy management *undertakings* and electricity market participants, under non-discriminatory terms, at no cost *and in accordance with the data protection rules*.

Member States shall *adopt measures to require* that vehicle manufacturers make available, in real-time, *in-vehicle* data related to the battery state of health, battery state of charge, battery power *set point*, battery capacity, *and, where appropriate*, the location of electric vehicles, to electric vehicle owners and users, as well as to third parties acting on the owners' and users' behalf, such as electricity market participants and electromobility service providers, under non-discriminatory terms and at no cost, *in accordance with the data protection rules, and* in addition to further requirements with regard to type approval and market surveillance laid down in Regulation (EU) 2018/858 of the European Parliament and of the Council\*.

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<sup>+</sup> *OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 2/23 (2020/0353(COD)).*

4. In addition to the requirements *laid down in Regulation (EU) .../...*<sup>++</sup>, Member States *or their designated competent authorities* shall ensure that *new and replaced* non-publicly accessible normal power recharging points installed in their territory can support smart recharging functionalities and, where appropriate, *the interface with smart metering systems, when deployed by Member States, and* bi-directional recharging functionalities *in accordance with the requirements of Article 15(3) and (4) of that Regulation*.
  
5. *In addition to the requirements laid down in Regulation (EU) 2019/943 and Directive (EU) 2019/944*, Member States shall ensure that the national regulatory framework *allows small or mobile systems such as domestic batteries and electric vehicles and other small decentralised energy sources to participate* in the electricity markets, including congestion management and the provision of flexibility and balancing services, *including through aggregation. To that end, Member States shall, in close cooperation with all market participants and regulatory authorities, establish technical requirements for participation in the electricity markets, on the basis of the technical characteristics of those* systems.

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<sup>++</sup> *OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 25/23 (2021/0223(COD)).*

***Member States shall provide a level playing field and non-discriminatory participation in the electricity markets for small decentralised energy assets or mobile systems.***

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\* Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).’;

(12) the following ***articles are*** inserted:

‘Article 22a

Mainstreaming renewable energy in industry

1. Member States shall endeavour to increase the share of renewable sources in the amount of energy sources used for final energy and non-energy purposes in the industry sector by an indicative **■** increase of ***at least 1,6*** percentage points ***as an annual average calculated for the periods 2021 to 2025 and 2026 to 2030.***

***Member States may count waste heat and cold towards the average annual increases referred to in the first subparagraph up to a limit of 0,4 percentage points, provided that the waste heat and cold is supplied from efficient district heating and cooling, excluding networks which supply heat to only one building or where all thermal energy is consumed only on-site and where the thermal energy is not sold. If they decide to do so, the average annual increase referred to in the first subparagraph shall increase by half of the waste heat and cold percentage points counted.***

Member States shall include the *policies and* measures planned and taken to achieve such indicative increase in their integrated national energy and climate plans *submitted pursuant to Articles 3 and 14 of Regulation (EU) 2018/1999 and their integrated national energy and climate* progress reports submitted pursuant to Article 17 of *that* Regulation .

*When electrification is considered to be a cost-effective option, those policies and measures shall promote the renewable-based electrification of industrial processes. Those policies and measures shall endeavour to create conducive market condition for the availability of economically viable and technically feasible renewable energy alternatives to replace fossil fuels used for industrial heating with the aim of reducing the use of fossil fuels used for heating in which the temperature is below 200 °C. When adopting those policies and measures, Member States shall take into account the energy efficiency first principle, effectiveness and international competitiveness and the need to tackle regulatory, administrative and economic barriers.*

Member States shall ensure that the contribution of renewable fuels of non-biological origin used for final energy and non-energy purposes shall be **at least 42 %** of the hydrogen used for final energy and non-energy purposes in industry by 2030, **and 60 % by 2035**. For the calculation of that percentage, the following rules shall apply:

- (a) for the calculation of the denominator, the energy content of hydrogen for final energy and non-energy purposes shall be taken into account, excluding:
  - (i) hydrogen used as intermediate products for the production of conventional transport fuels **and biofuels**;
  - (ii) **hydrogen that is produced by decarbonising industrial residual gas and that is used to replace the specific gas from which it is produced**;
  - (iii) **hydrogen produced as a by-product or derived from by-products in industrial installations**;

- (b) for the calculation of the numerator, the energy content of the renewable fuels of non-biological origin consumed in the industry sector for final energy and non-energy purposes shall be taken into account, excluding renewable fuels of non-biological origin used as intermediate products for the production of conventional transport fuels *and biofuels*;
- (c) for the calculation of the numerator and the denominator, the values regarding the energy content of fuels set out in Annex III shall be used.

For the purposes of point (c) of the fifth subparagraph of this paragraph,, in order to determine the energy content of fuels not included in Annex III, the Member States shall use the relevant European standards for the determination of the calorific values of fuels, or where no European standard has been adopted for that purpose, the relevant ISO standards.

2. Member States shall *promote voluntary labelling schemes for* industrial products that are **■** claimed to be produced with renewable energy and renewable fuels of non-biological origin. *Such voluntary labelling schemes* shall indicate the percentage of renewable energy used or renewable fuels of non-biological origin used in the raw material acquisition and pre-processing, manufacturing and distribution stage, calculated on the basis of the methodologies laid down either in Commission Recommendation (EU) 2021/2279\* or in ISO 14067:2018.



3. *Member States shall report the amount of renewable fuels of non-biological origin that they expect to import and export in their integrated national energy and climate plans submitted pursuant to Articles 3 and 14 of Regulation (EU) 2018/1999 and in their integrated national energy and climate progress reports submitted pursuant to Article 17 of that Regulation. On the basis of that reporting, the Commission shall develop a Union strategy for imported and domestic hydrogen with the aim of promoting the European hydrogen market as well as domestic hydrogen production within the Union, supporting the implementation of this Directive and the achievement of the targets laid down herein, while having due regard to security of supply and the Union's strategic autonomy in energy and level playing field on the global hydrogen market. Member States shall indicate in their integrated national energy and climate plans submitted pursuant to Articles 3 and 14 of Regulation (EU) 2018/1999 and in their integrated national energy and climate progress reports submitted pursuant to Article 17 of that Regulation how they intend to contribute to that strategy.*

*Article 22b*

*Conditions for reduction of the target for the use of renewable fuels of non-biological origin in the industry sector*

- 1. A Member State may reduce the contribution of renewable fuels of non-biological origin used for final energy and non-energy purposes referred to in Article 22a(1), fifth subparagraph, by 20 % in 2030, provided that:*
  - (a) that Member State is on track towards its national contribution to the binding overall Union target set in Article 3(1), first subparagraph, which is at least equivalent to its expected national contribution in accordance with the formula referred to in Annex II to Regulation (EU) 2018/1999; and*
  - (b) the share of hydrogen, or its derivatives, produced from fossil fuels which is consumed in that Member State is not more than 23 % in 2030 and not more than 20 % in 2035.*

*Where any of those conditions are not fulfilled, the reduction referred to in the first subparagraph shall cease to apply.*

2. *Where a Member State applies the reduction referred to in paragraph 1, it shall notify the Commission thereof, together with its integrated national energy and climate plans submitted pursuant to Articles 3 and 14 of Regulation (EU) 2018/1999 and as part of its integrated national energy and climate progress reports submitted pursuant to Article 17 of that Regulation. The notification shall include information about the updated share of renewable fuels of non-biological origin and all relevant data to demonstrate that conditions set out in paragraph 1, points (a) and (b), of this Article are fulfilled.*

*The Commission shall monitor the situation in Member States benefitting from a reduction with a view to verifying the ongoing fulfilment of conditions set out in paragraph 1, points (a) and (b).*

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\* *Commission Recommendation (EU) 2021/2279 of 15 December 2021 on the use of the Environmental Footprint methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 471, 30.12.2021, p. 1).<sup>3</sup>;*

(13) Article 23 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. In order to promote the use of renewable energy in the heating and cooling sector, each Member State shall increase the share of renewable energy in that sector by at least **0,8** percentage points as an annual average calculated for the *period* 2021 to 2025 and **by at least 1,1 percentage points as an annual average calculated for the period** 2026 to 2030, starting from the share of renewable energy in the heating and cooling sector in 2020, expressed in terms of national share of gross final consumption of energy and calculated in accordance with the methodology set out in Article 7.

■

*Member States may count waste heat and cold towards the average annual increases referred to in the first subparagraph, up to a limit of 0,4 percentage points. If they decide to do so, the average annual increase shall increase by half of the waste heat and cold percentage points counted to an upper limit of 1,0 percentage points for the period 2021 to 2025 and of 1,3 percentage points for the period 2026 to 2030.*

*Member States shall inform the Commission of their intention to count waste heat and cold and the estimated amount in their integrated national energy and climate plans submitted pursuant to Articles 3 and 14 of Regulation (EU) 2018/1999. In addition to the minimum **■** percentage points annual *increases* referred to in the first subparagraph of this paragraph, each Member State shall endeavour to increase the share of renewable energy in its heating and cooling sector by the **additional indicative percentage points** set out in Annex Ia *to this Directive*.*

*Member States may count renewable electricity used for heating and cooling towards the annual average increase set out in the first subparagraph, up to a limit of 0,4 percentage points, provided that the efficiency of the heat and cold generator unit is higher than 100 %. If they decide to do so, the average annual increase shall increase by half of that renewable electricity expressed in percentage points to an upper limit of 1,0 percentage points for the period 2021 to 2025 and of 1,3 percentage points for the period 2026 to 2030.*

*Member States shall inform the Commission of their intention to count renewable electricity used in heating and cooling from heat and cold generators the efficiency of which is higher than 100 % towards the annual increase set out in first subparagraph of this paragraph. Member States shall include the estimated renewable electricity capacities of heat and cold generator units the efficiency of which is higher than 100 % in their integrated national energy and climate plans submitted pursuant to Articles 3 and 14 of Regulation (EU) 2018/1999. Member States shall include the amount of renewable electricity used in heating and cooling from heat and cold generator units the efficiency of which is higher than 100 % in their integrated national energy and climate progress reports submitted pursuant to Article 17 of that Regulation.*

- 1a. For the calculation of the share of renewable electricity used in heating and cooling for the purposes of paragraph 1, Member States shall use the average share of renewable electricity supplied in their territory in the two previous years.*

- 1b. Member States shall carry out an assessment of their potential of energy from renewable sources and of the use of waste heat and cold in the heating and cooling sector including, where appropriate, an analysis of areas suitable for their deployment at low ecological risk and of the potential for small-scale household projects. That assessment shall ***consider available and economically feasible technology for industrial and domestic uses in order to*** set out milestones and measures to ***increase the use of renewable energy*** in heating and cooling and, where appropriate, the use of waste heat and cold through district heating and cooling with a view to establishing a long-term national strategy to ***reduce greenhouse gas emissions and air pollution originating from*** heating and cooling. That assessment shall be ***in accordance with the energy efficiency first principle and*** part of the integrated national energy and climate plans ***submitted pursuant to*** Articles 3 and 14 of Regulation (EU) 2018/1999, and shall accompany the comprehensive heating and cooling assessment required by Article 14(1) of Directive 2012/27/EU.;

(b) *paragraph 2 is amended as follows:*

(i) *the introductory phrase is replaced by the following:*

*'For the purposes of paragraph 1 of this Article, when calculating its share of renewable energy in the heating and cooling sector and its average annual increase in accordance with that paragraph, including the additional indicative increase set out in Annex Ia, each Member State:';*

(ii) *point (a) is deleted;*

(iii) *the following subparagraph is added:*

*'Member States shall in particular provide information to the owners or tenants of buildings and SMEs on cost-effective measures, and financial instruments, to improve the use of renewable energy in the heating and cooling systems. Member States shall provide the information through accessible and transparent advisory tools.';*



(c) paragraph 4 is replaced by the following:

- ‘4. To achieve the average annual increase referred to in paragraph 1, first subparagraph, Member States *shall endeavour to* implement *at least two* of the following measures:
- (a) physical incorporation of renewable energy or waste heat and cold in the energy sources and fuels supplied for heating and cooling;
  - (b) *the* installation of highly efficient renewable heating and cooling systems in buildings, the *connection of buildings to efficient district heating and cooling systems* or the use of renewable energy or waste heat and cold in industrial heating and cooling processes;
  - (c) measures covered by tradable certificates proving compliance with the obligation laid down in paragraph 1, first subparagraph, through support to installation measures under point (b) of this paragraph, carried out by another economic operator such as an independent renewable energy technology installer or an energy service company providing renewable energy installation services;

- (d) capacity building for national, *regional* and local authorities to *map local renewable heating and cooling potential and plan*, implement *and advise on* renewable energy projects and infrastructures;
- (e) *the* creation of risk mitigation frameworks to reduce the cost of capital for renewable heat and cooling *and waste heat and cold* projects, *allowing for, inter alia, the bundling of smaller projects as well as linking such projects more holistically with other energy efficiency and building renovation measures*;
- (f) *the* promotion of *renewables heating and cooling* purchase agreements for corporate and collective small consumers;
- (g) planned replacement schemes of fossil heating *sources, heating* systems *that are not compatible with renewable sources* or fossil phase-out schemes with milestones;
- (h) **■** requirements at local and regional level *concerning renewable heat planning, encompassing cooling*;

- (i) the promotion of the production of biogas and its injection into the gas grid, instead of its use for electricity production;*
- (j) measures promoting the integration of thermal energy storage technology in heating and cooling systems;*
- (k) the promotion of renewable based district heating and cooling networks, in particular by renewable energy communities, including through regulatory measures, financing arrangements and support;*
- (l) other policy measures, with an equivalent effect, including fiscal measures, support schemes or other financial incentives **that contribute to the installation of renewable heating and cooling equipment and the development of energy networks supplying renewable energy for heating and cooling in buildings and industry.***

When adopting and implementing those measures, Member States shall ensure their accessibility to all consumers, in particular those in low-income or vulnerable households, who would not otherwise possess sufficient up-front capital to benefit. ’;

(14) Article 24 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Member States shall ensure that information on the energy performance and the share of renewable energy in their district heating and cooling systems is provided to final consumers in an easily accessible manner, such as on bills or on the suppliers' websites and on request. The information on the share of renewable energy shall be expressed at least as a percentage of gross final consumption of energy in heating and cooling assigned to the customers of a given district heating and cooling system, including information on how much energy was used to deliver one unit of heating to the customer or end-user.’;

(b) *paragraphs 4, 5 and 6 are* replaced by the following:

- ‘4. Member States shall endeavour to increase the share of energy from renewable sources and from waste heat and cold in district heating and cooling by *an indicative 2,2* percentage points as an annual average calculated for the period 2021 to ■ 2030, starting from the share of energy from renewable sources and from waste heat and cold in district heating and cooling in 2020, and shall lay down the measures necessary to that end *in their integrated national energy and climate plans submitted pursuant to Articles 3 and 14 of Regulation (EU) 2018/1999* . The share of energy from renewable sources shall be expressed in terms of share of gross final consumption of energy in district heating and cooling adjusted to normal average climatic conditions.

*Member States may count renewable electricity used for district heating and cooling in the annual average increase set out in the first subparagraph.*

*Member States shall inform the Commission of their intention to count renewable electricity used in district heating and cooling towards the annual increase set out in first subparagraph of this paragraph. Member States shall include the estimated renewable electricity capacities for district heating and cooling in their integrated national energy and climate plans submitted pursuant to Articles 3 and 14 of Regulation (EU) 2018/1999. Member States shall include the amount of renewable electricity used in district heating and cooling in their integrated national energy and climate progress reports submitted pursuant to Article 17 of that Regulation.*

- 4a. For the calculation of the share of renewable electricity used in district heating and cooling for the purposes of paragraph 4, Member States shall use the average share of renewable electricity supplied in their territory in the two previous years.*

Member States with a share of energy from renewable sources and from waste heat and cold in district heating and cooling above 60 % may count any such share as fulfilling the average annual increase referred to in paragraph 4, first subparagraph. *Member States with a share of energy from renewable sources and from waste heat and cold in district heating and cooling above 50 % and up to 60 % may count any such share as fulfilling half of the average annual increase referred to in paragraph 4, first subparagraph.*

Member States shall lay down the necessary measures to implement the average annual increase referred to in paragraph 4, first subparagraph, of this Article, in their integrated national energy and climate plans *submitted pursuant to Articles 3 and 14 of Regulation (EU) 2018/1999.*

- 4b. Member States shall ensure that operators of district heating or cooling systems above 25 MWth capacity are *encouraged* to connect third party suppliers of energy from renewable sources and from waste heat and cold or are *encouraged* to offer to connect and purchase heat or cold from renewable sources and from waste heat and cold from third-party suppliers *on the basis of* non-discriminatory criteria set by the competent authority of the Member State concerned, where such operators need to do one or more of the following:
- (a) meet demand from new customers;
  - (b) replace existing heat or cold generation capacity;
  - (c) expand existing heat or cold generation capacity.





5. Member States may allow an operator of a district heating or cooling system to refuse to connect and to purchase heat or cold from a third-party supplier in any of the following situations:
- (a) the system lacks the necessary capacity due to other supplies of heat or cold from renewable sources or of waste heat and cold;
  - (b) the heat or cold from the third-party supplier does not meet the technical parameters necessary to connect and ensure the reliable and safe operation of the district heating and cooling system;
  - (c) the operator can demonstrate that providing access would lead to an excessive heat or cold cost increase for final customers compared to the cost of using the main local heat or cold supply with which the renewable source or waste heat and cold would compete;
  - (d) the operator's system is an efficient district heating and cooling system .

Member States shall ensure that, when an operator of a district heating or cooling system refuses to connect a supplier of heating or cooling pursuant to the first subparagraph, information on the reasons for the refusal, as well as the conditions to be met and measures to be taken in the system in order to enable the connection, is provided by that operator to the competent authority. Member States shall ensure that an appropriate process is in place to remedy unjustified refusals.

6. Member States shall put in place, *where necessary*, a coordination framework between district heating and cooling system operators and the potential sources of waste heat and cold in the industrial and tertiary sectors to facilitate the use of waste heat and cold. That coordination framework shall ensure dialogue as regards the use of waste heat and cold involving, *in particular*:
  - (a) district heating and cooling system operators;

- (b) industrial and tertiary sector enterprises generating waste heat and cold that can be economically recovered via district heating and cooling systems, such as data centres, industrial plants, large commercial buildings, *energy storage facilities*, and public transport; ■
- (c) local authorities responsible for planning and approving energy infrastructures ■ ;
- (d) *scientific experts working on the latest state of the art of district heating and cooling systems; and*
- (e) *renewable energy communities involved in heating and cooling.*' ;

(c) paragraphs 8, 9 and 10 are replaced by the following:

‘8. Member States shall establish a framework under which electricity distribution system operators will assess, at least every four years, in cooperation with the operators of district heating and cooling systems in their respective areas, the potential for district heating and cooling systems to provide balancing and other system services, including demand response and thermal storage of excess electricity from renewable sources, and whether the use of the identified potential would be more resource- and cost-efficient than alternative solutions.

Member States shall ensure that electricity transmission and distribution system operators take due account of the results of the assessment required under the first subparagraph in grid planning, grid investment and infrastructure development in their respective territories.

Member States shall facilitate coordination between operators of district heating and cooling systems and electricity transmission and distribution system operators to ensure that balancing, storage and other flexibility services, such as demand response, provided by district heating and district cooling system operators, can participate in their electricity markets.

Member States may extend the assessment and coordination requirements under the first and third subparagraphs to gas transmission and distribution system operators, including hydrogen networks and other energy networks.

9. Member States shall ensure that the rights of consumers and the rules for operating district heating and cooling systems in accordance with this Article are clearly defined, publicly available and enforced by the competent authority.

10. A Member State shall not be required to apply paragraphs 2 *to* 9 where at least one of the following conditions is met:
- (a) its share of district heating and cooling was less than or equal to 2 % of the gross final consumption of energy in heating and cooling on 24 December 2018;
  - (b) its share of district heating and cooling is increased above 2 % of the gross final consumption of energy in heating and cooling on 24 December 2018 by developing new efficient district heating and cooling ***on the basis of*** its integrated national energy and climate plan ***submitted*** pursuant to ***Articles 3 and 14 of, and in accordance with,*** Regulation (EU) 2018/1999 and the assessment referred to in Article 23(1b) of this Directive;
  - (c) 90 % of the gross final consumption of energy in district heating and cooling systems takes place in efficient district heating and cooling systems.?’;

(15) Article 25 is replaced by the following:

‘Article 25

Increase of renewable energy and reduction of greenhouse gas intensity in the transport sector

1. Each Member State shall set an obligation on fuel suppliers to ensure that:

(a) the amount of renewable fuels and renewable electricity supplied to the transport sector leads *to a*:

*(i) share of renewable energy within the final consumption of energy in the transport sector of at least 29 % by 2030; or*

*(ii) greenhouse gas intensity reduction of at least 14,5 % by 2030, compared to the baseline set out in Article 27(1), point (b), in accordance with an indicative trajectory set by the Member State;*

- (b) the **combined** share of advanced biofuels and biogas produced from the feedstock listed in Part A of Annex IX **and of renewable fuels of non-biological origin** in the energy supplied to the transport sector is at least **1 %** in 2025 and **5,5 %** in 2030, **of which a share of at least 1 percentage point is from** renewable fuels of non-biological origin **■** in 2030.

*Member States are encouraged to set differentiated targets for advanced biofuels and biogas produced from the feedstock listed in Part A of Annex IX and renewable fuels of non-biological origin at national level in order to fulfil the obligation set out in the first subparagraph, point (b), of this paragraph, in a way that the development of both fuels is promoted and expanded.*

*Member States with maritime ports shall endeavour to ensure that as of 2030 the share of renewable fuels of non-biological origin in the total amount of energy supplied to the maritime transport sector is at least 1,2 %.*

*Member States shall, in their integrated national energy and climate progress reports submitted pursuant to Article 17 of Regulation (EU) 2018/1999, report on the share of renewable energy within the final consumption of energy in the transport sector, including in the maritime transport sector, as well as on their greenhouse gas intensity reduction.*



*If the list of feedstock set out in Part A of Annex IX is amended in accordance with Article 28(6), Member States may increase their minimum share of advanced biofuels and biogas produced from that feedstock in the energy supplied to the transport sector accordingly.*

2. For the calculation of the **targets** referred to in paragraph 1, **first subparagraph**, point (a), and the **shares** referred to in paragraph 1, **first subparagraph**, point (b), Member States:
  - (a) shall take into account renewable fuels of non-biological origin also when they are used as intermediate products for the production of:
    - (i) conventional transport fuels; *or*
    - (ii) **biofuels, provided that the greenhouse gas emissions reduction achieved by the use of renewable fuels of non-biological origin is not counted in the calculation of the greenhouse gas emissions savings of the biofuels;**

***(b) may take into account biogas that is injected into the national gas transmission and distribution infrastructure.***

3. For the calculation of the targets set in paragraph 1, first subparagraph, point (a), Member States may take into account recycled carbon fuels.

When designing the obligation on fuel suppliers, Member States may:

- (a) exempt fuel suppliers supplying electricity or renewable fuels of non-biological origin from the requirement to comply with the minimum share of advanced biofuels and biogas produced from the feedstock listed in Part A of Annex IX with respect to those fuels;***
- (b) set the obligation by means of measures targeting volumes, energy content or greenhouse gas emissions;***
- (c) distinguish between different energy carriers;***
- (d) distinguish between the maritime transport sector and other sectors.***

4. Member States shall establish a mechanism allowing fuel suppliers in their territory to exchange credits for supplying renewable energy to the transport sector. Economic operators that supply renewable electricity to electric vehicles through public recharging *points* shall receive credits, irrespectively of whether the economic operators are subject to the obligation set by the Member State on fuel suppliers, and may sell those credits to fuel suppliers, which shall be allowed to use the credits to fulfil the obligation set out in paragraph 1, first subparagraph. ***Member States may include private recharging points in that mechanism provided it can be demonstrated that renewable electricity supplied to those private recharging points is provided solely to electric vehicles.***;

(16) Article 26 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) the first subparagraph is replaced by the following:

‘For the calculation of a Member State's gross final consumption of energy from renewable sources referred to in Article 7 and of ***the minimum share of renewable energy and*** the greenhouse gas intensity reduction target referred to in Article 25(1), first subparagraph, point (a), the share of biofuels and bioliquids, as well as of biomass fuels consumed in transport, where produced from food and feed crops, shall be no more than one percentage point higher than the share of such fuels in the final consumption of energy in the transport sector in 2020 in that Member State, with a maximum of 7 % of final consumption of energy in the transport sector in that Member State.’;

- (ii) the fourth subparagraph is replaced by the following:

‘Where the share of biofuels and bioliquids, as well as of biomass fuels consumed in transport, produced from food and feed crops in a Member State is limited to a share lower than 7 % or a Member State decides to limit the share further, that Member State may reduce *the minimum share of renewable energy or* the greenhouse gas intensity reduction target referred to in Article 25(1), first subparagraph, point (a), accordingly, in view of the contribution those fuels would have made in terms of *the minimum share of renewable energy or* greenhouse gas emissions savings. For *the purpose of the greenhouse gas intensity reduction target*, Member States shall consider those fuels save 50 % greenhouse gas emissions.’;

- (b) **█** paragraph 2 *is amended as follows:*

- (i) *the first subparagraph is replaced by the following:*

‘2. For the calculation of a Member State's gross final consumption of energy from renewable sources referred to in Article 7 and the minimum share of renewable energy and the greenhouse gas intensity reduction target referred to in Article 25(1), first subparagraph, point (a), the share of high indirect land-use change-risk biofuels, bioliquids or biomass fuels produced from food and feed crops for which a significant expansion of the production area into land with high-carbon stock is observed shall not exceed the level of consumption of such fuels in that Member State in 2019, unless they are certified to be low indirect land-use change-risk biofuels, bioliquids or biomass fuels pursuant to this paragraph.’;

(ii) *the fifth subparagraph is replaced by the following:*

*‘By 1 September 2023, the Commission shall review the criteria laid down in the delegated act referred to in the fourth subparagraph of this paragraph on the basis of the best available scientific data and shall adopt delegated acts in accordance with Article 35 in order to amend those criteria, where appropriate, and to supplement this Directive by including a trajectory to gradually decrease the contribution to the overall Union target set in Article 3(1) and to the minimum share of renewable energy and the greenhouse gas intensity reduction target referred to in Article 25(1), first subparagraph, point (a), of high indirect land-use change-risk biofuels, bioliquids and biomass fuels produced from feedstock for which a significant expansion of the production into land with high-carbon stock is observed. That review shall be based on a revised version of the report on feedstock expansion submitted in accordance with the third subparagraph of this paragraph. That report shall, in particular, assess whether the threshold on the maximum share of the average annual expansion of the global production area in high carbon stocks should be reduced on the basis of objective and scientific based criteria and taking into consideration the Union's climate targets and commitments.*

*Where appropriate, the Commission shall amend the criteria laid down in the delegated act referred to in the fourth subparagraph on the basis of the results of the assessment referred to in the fifth subparagraph. The Commission shall continue to review, every three years after the adoption of the delegated act referred to in the fourth subparagraph, the data underpinning that delegated act. The Commission shall update that delegated act when necessary in light of evolving circumstances and the latest available scientific evidence.’;*

(17) Article 27 is *replaced by the following*:

■

*‘Article 27*

Calculation rules in the transport sector and with regard to renewable fuels of non-biological origin regardless of their end use

- 1. For the calculation of the greenhouse gas intensity reduction referred to in Article 25(1), first subparagraph, point (a)(ii), the following rules shall apply:
- (a) the greenhouse gas emissions savings shall be calculated as follows:
    - (i) for biofuel and biogas, by multiplying the amount of those fuels supplied to all transport modes by their **greenhouse gas** emissions savings determined in accordance with Article 31;

- (ii) for renewable fuels of non-biological origin and recycled carbon fuels, by multiplying the amount of those fuels that is supplied to all transport modes by their *greenhouse gas* emissions savings determined in accordance with delegated acts adopted pursuant to Article 29a(3);
  - (iii) for renewable electricity, by multiplying the amount of renewable electricity that is supplied to all transport modes by the fossil fuel comparator  $EC_F(e)$  set out in Annex V;
- (b) the baseline referred to in Article 25(1), first subparagraph, point (a)(ii), shall be calculated *until 31 December 2030* by multiplying the amount of energy supplied to the transport sector by the fossil fuel comparator  $E_F(t)$  set out in Annex V; *from 1 January 2031, the baseline referred to in Article 25(1), first subparagraph, point (a)(ii), shall be the sum of:*
- (i) *the amount of fuels supplied to all transport modes multiplied by the fossil fuel comparator  $E_F(t)$  set out in Annex V;*
  - (ii) *the amount of electricity supplied to all transport modes multiplied by the fossil fuel comparator  $EC_F(e)$  set out in Annex V;*



- (c) for the calculation of the relevant amounts of energy, the following rules shall apply:
- (i) in order to determine the amount of energy supplied to the transport sector, the values regarding the energy content of transport fuels set out in Annex III shall be used;
  - (ii) in order to determine the energy content of transport fuels not included in Annex III, the Member States shall use the relevant European standards for the determination of the calorific values of fuels, or, where no European standard has been adopted for that purpose, the relevant ISO standards;

- (iii) the amount of renewable electricity supplied to the transport sector is determined by multiplying the amount of electricity supplied to that sector by the average share of renewable electricity supplied in the territory of the Member State in the two previous years, unless electricity is obtained from a direct connection to an installation generating renewable electricity and supplied to the transport sector, in which case electricity shall be fully counted as renewable and *electricity generated by a solar-electric vehicle and used for the consumption of the vehicle itself may be fully counted as renewable;*

- (iv) the share of biofuels and biogas produced from the feedstock listed in Part B of Annex IX in the energy content of fuels and electricity supplied to the transport sector shall, except in Cyprus and Malta, be limited to 1,7 %;
- (d) the greenhouse gas intensity reduction from the use of renewable energy is determined by dividing the greenhouse gas emissions savings from the use of biofuels, biogas, *renewable fuels of non-biological origin* and renewable electricity supplied to all transport modes by the baseline;  
*Member States may take into account recycled carbon fuels.*

*Member States may, where justified, increase the limit referred to in the first subparagraph, point (c)(iv), of this paragraph, taking into account the availability of feedstock listed in Part B of Annex IX. Any such increase shall be notified to the Commission, together with the reasons therefor, and shall be subject to approval by the Commission.*

2. For the calculation of the *minimum shares* referred to in Article 25(1), *first subparagraph, point (a)(i) and point (b)*, the following *rules* shall apply:
- (a) for the calculation of the denominator, that is the amount of energy consumed in the transport sector, all fuels and electricity supplied to the transport sector shall be taken into account;
  - (b) for the calculation of the numerator, *that is the amount of energy from renewable sources consumed in the transport sector for the purposes of Article 25(1), first subparagraph, the energy content of all types of energy from renewable sources* supplied to all transport modes, *including to international marine bunkers*, in the territory of *each Member State* shall be taken into account; *Member States may take into account recycled carbon fuels*;
  - (c) *the share of biofuels and biogas produced from the feedstock listed in Annex IX and renewable fuels of non-biological origin shall be considered to be twice its energy content*;

- (d) *the share of renewable electricity shall be considered to be four times its energy content when supplied to road vehicles and may be considered to be 1,5 times its energy content when supplied to rail transport;*
- (e) *the share of advanced biofuels and biogas produced from the feedstock listed in Part A of Annex IX supplied in the aviation and maritime transport modes shall be considered to be 1,2 times their energy content and the share of renewable fuels of non-biological origin supplied in the aviation and maritime transport modes shall be considered to be 1,5 times their energy content;*
- (f) *the share of biofuels and biogas produced from the feedstock listed in Part B of Annex IX in the energy content of fuels and electricity supplied to the transport sector shall, except in Cyprus and Malta, be limited to 1,7 %;*
- (g) *in order to determine the amount of energy supplied to the transport sector, the values regarding the energy content of transport fuels set out in Annex III shall be used;*

- (h) in order to determine the energy content of transport fuels not included in Annex III, the Member States shall use the relevant European standards for the determination of the calorific values of fuels, or, where no European standard has been adopted for that purpose, the relevant ISO standards;*
- (i) the amount of renewable electricity supplied to the transport sector shall be determined by multiplying the amount of electricity supplied to that sector by the average share of renewable electricity supplied in the territory of the Member State in the two previous years, unless electricity is obtained from a direct connection to an installation generating renewable electricity and supplied to the transport sector, in which case that electricity shall be fully counted as renewable and electricity generated by a solar-electric vehicle and used for the consumption of the vehicle itself may be fully counted as renewable.*

*Member States may, where justified, increase the limit referred to in the first subparagraph, point (f), of this paragraph, taking into account the availability of feedstock listed in Part B of Annex IX. Any such increase shall be notified to the Commission, together with the reason therefor, and shall be subject to approval by the Commission.*

3. *The Commission is empowered to adopt delegated acts in accordance with Article 35 to amend this Directive by adapting the limit on the share of biofuels and biogas produced from the feedstock listed in Part B of Annex IX on the basis of an assessment of the availability of feedstock. The limit shall be at least 1,7 %. If the Commission adopts such a delegated act, the limit set out in it shall also apply to Member States that have obtained an approval from the Commission to increase the limit, in accordance with paragraph 1, second subparagraph, or paragraph 2, second subparagraph,) of this Article, after a 5-years transitional period, without prejudice to the right of the Member State to apply that new limit earlier. Member States may apply for a new approval from the Commission for an increase from the limit laid down in the delegated act in accordance with paragraph 1, second subparagraph, or paragraph 2, second subparagraph, of this Article.*

4. *The Commission is empowered to adopt delegated acts in accordance with Article 35 to amend this Directive by adapting transport fuels and their energy content as set out in Annex III in accordance with scientific and technical progress.*
5. *For the purpose of the calculations referred to in paragraph 1, first subparagraph, point (b), and in paragraph 2, first subparagraph, point (a), the amount of energy supplied to the maritime transport sector shall, as a proportion of that Member State's gross final consumption of energy, be considered to be no more than 13 %. For Cyprus and Malta, the amount of energy consumed in the maritime transport sector shall, as a proportion of those Member States' gross final consumption of energy, be considered to be no more than 5 %. This paragraph shall apply until 31 December 2030.*



6. *Where electricity is used for the production of renewable fuels of non-biological origin, either directly or for the production of intermediate products, the average share of electricity from renewable sources in the country of production, as measured two years before the year in question, shall be used to determine the share of renewable energy.*

*However, electricity obtained from a direct connection to an installation generating renewable electricity may be fully counted as renewable where it is used for the production of renewable fuels of non-biological origin, provided that the installation:*

- (a) comes into operation after, or at the same time as, the installation producing the renewable fuels of non-biological origin; and*
- (b) is not connected to the grid, or is connected to the grid but evidence can be provided that the electricity concerned has been supplied without taking electricity from the grid.*

*Electricity that has been taken from the grid may be fully counted as renewable provided that it is produced exclusively from renewable sources and the renewable properties and other appropriate criteria have been demonstrated, ensuring that the renewable properties of that electricity are counted only once and only in one end-use sector.*

*By 31 December 2021, the Commission shall adopt a delegated act in accordance with Article 35 to supplement this Directive by establishing a Union methodology setting out detailed rules by which economic operators are to comply with the requirements laid down in the second and third subparagraphs of this paragraph.*

*By 1 July 2028, the Commission shall submit a report to the European Parliament and the Council assessing the impact of the Union methodology set out in accordance with the fourth subparagraph, including the impact of additionality and temporal and geographical correlation on production costs, greenhouse gas emissions savings, and the energy system.*

*That Commission report shall, in particular, assess the impact on the availability and affordability of renewable fuels of non-biological origin for industry and transport sectors and on the ability of the Union to achieve its targets for renewable fuels of non-biological origin taking into account the Union strategy for imported and domestic hydrogen in accordance with Article 22a, while minimising the increase in greenhouse gas emissions in the electricity sector and the overall energy system. Where the report concludes that the requirements fall short of ensuring sufficient availability and affordability of renewable fuels of non-biological origin for industry and transport sectors and do not substantially contribute to greenhouse gas emissions savings, energy system integration and the achievement of the Union targets for renewable fuels of non-biological origin set for 2030, the Commission shall review the Union methodology and shall, where appropriate, adopt a delegated act in accordance with Article 35 to amend that methodology, providing the necessary adjustments to the criteria laid down in the second and third subparagraphs of this paragraph in order to facilitate the ramp-up of the hydrogen industry.’;*

(18) Article 28 is amended as follows:

- (a) paragraphs 2, 3 and 4 are deleted;
- (b) paragraph 5 is replaced by the following:

‘By **30 June** 2024, the Commission shall adopt delegated acts in accordance with Article 35 to supplement this Directive by specifying the methodology to determine the share of biofuel, and biogas for transport, resulting from biomass being processed with fossil fuels in a common process.’;

- (c) paragraph 7 *is replaced by the following:*

***7. By 31 December 2025, in the context of the biennial assessment of progress made pursuant to Regulation (EU) 2018/1999, the Commission shall assess whether the obligation relating to advanced biofuels and biogas produced from feedstock listed in Part A of Annex IX to this Directive laid down in Article 25(1), first subparagraph, point (b), of this Directive effectively stimulates innovation and ensures greenhouse gas emissions savings in the transport sector. The Commission shall analyse in that assessment whether the application of this Article effectively avoids double counting of renewable energy.***

***The Commission shall, if appropriate, submit a proposal to amend the obligation relating to advanced biofuels and biogas produced from feedstock listed in Part A of Annex IX laid down in Article 25(1), first subparagraph, point (b).’;***

(19) Article 29 is amended as follows:

- (a) paragraph 1 is amended as follows:
  - (i) in the first subparagraph, point (a) is replaced by the following:

‘(a) contributing towards the renewable energy shares of Member States and the targets set in Article 3(1), Article 15a(1), Article 22a(1), Article 23(1), Article 24(4), and Article 25(1);’;

(ii) *the second subparagraph is replaced by the following:*

*‘However, biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, are required to fulfil only the greenhouse gas emissions saving criteria laid down in paragraph 10 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of the first subparagraph of this paragraph. In the case of the use of mixed wastes, Member States may require operators to apply mixed waste sorting systems that aim to remove fossil materials. This subparagraph shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.’;*

(iii) the fourth subparagraph is replaced by the following:

‘Biomass fuels shall fulfil the sustainability and greenhouse gas emissions saving criteria laid down in paragraphs 2 to 7 and 10 if used:

- (a) in the case of solid biomass fuels, in installations producing electricity, heating and cooling with a total rated thermal input equal to or exceeding 7,5 MW;

- (b) in the case of gaseous biomass fuels, in installations producing electricity, heating and cooling with a total rated thermal input equal to or exceeding 2 MW;
- (c) in the case of installations producing gaseous biomass fuels with the following average biomethane flow rate:
  - (i) above 200 m<sup>3</sup> methane equivalent/h measured at standard conditions of temperature and pressure (i.e. 0 °C and 1 bar atmospheric pressure);
  - (ii) if biogas is composed of a mixture of methane and non-combustible other gas, for the methane flow rate, the threshold set out in point (i), recalculated proportionally to the volumetric share of methane in the mixture.

Member States may apply the sustainability and greenhouse gas emissions saving criteria to installations with lower total rated thermal input or biomethane flow rate.’;

**(b) paragraph 3 is replaced by the following:**

**‘3. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of the first subparagraph of paragraph 1 shall not be made from raw material obtained from land with a high biodiversity value, namely land that had one of the following statuses in or after January 2008, irrespective of whether the land continues to have that status:**

**(a) primary forest and other wooded land, namely forest and other wooded land of native species, where there is no clearly visible indication of human activity and the ecological processes are not significantly disturbed; and old growth forests as defined in the country where the forest is located;**

**(b) highly biodiverse forest and other wooded land which is species-rich and not degraded, and has been identified as being highly biodiverse by the relevant competent authority, unless evidence is provided that the production of that raw material did not interfere with those nature protection purposes;**

**(c) areas designated:**

- (i) by law or by the relevant competent authority for nature protection purposes, unless evidence is provided that the production of that raw material did not interfere with those nature protection purposes; or**
- (ii) for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature, subject to their recognition in accordance with Article 30(4), first subparagraph, unless evidence is provided that the production of that raw material did not interfere with those nature protection purposes;**



- (d) highly biodiverse grassland spanning more than one hectare that is:**
- (i) natural, namely grassland that would remain grassland in the absence of human intervention and that maintains the natural species composition and ecological characteristics and processes;  
or**
  - (ii) non-natural, namely grassland that would cease to be grassland in the absence of human intervention and that is species-rich and not degraded and has been identified as being highly biodiverse by the relevant competent authority, unless evidence is provided that the harvesting of the raw material is necessary to preserve its status as highly biodiverse grassland; or**
- (e) heathland.**

**Where the conditions set out in paragraph 6, points (a)(vi) and (vii), are not met, the first subparagraph of this paragraph, with the exception of point (c), also applies to biofuels, bioliquids and biomass fuels produced from forest biomass.**

*The Commission may adopt implementing acts further specifying the criteria by which to determine which grassland is to be covered by the first subparagraph, point (d), of this paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(3).’;*

- (c) in paragraph 4, the following subparagraph is added:

*‘Where the conditions set out in paragraph 6, points (a)(vi) and (vii), are not met, the first subparagraph of this paragraph, with the exception of points (b) and (c), and the second subparagraph of this paragraph also apply to biofuels, bioliquids and biomass fuels produced from forest biomass.’;*

(d) paragraph 5 is replaced by the following:

‘5. Biofuels, bioliquids and biomass fuels produced from agricultural ■ biomass taken into account for the purposes referred to in paragraph 1, first subparagraph, points (a), (b) and (c), shall not be made from raw material obtained from land that was peatland in January 2008, unless evidence is provided that the cultivation and harvesting of that raw material does not involve drainage of previously undrained soil. *Where the conditions set out in paragraph 6, points (a)(vi) and (vii), are not met, this paragraph also applies to biofuels, bioliquids and biomass fuels produced from forest biomass.*;’

(e) paragraph 6 *is amended as follows:*

(i) *in point (a), points (iii) and (iv) are replaced by the following:*

*‘(iii) that areas designated by international or national law or by the relevant competent authority for nature protection purposes, including in wetlands, grassland, heathland and peatlands, are protected with the aim of preserving biodiversity and preventing habitat destruction;*

(iv) that harvesting is carried out considering maintenance of soil quality and biodiversity ***in accordance with sustainable forest management principles***, with the aim of ***preventing*** any adverse impact, in a way that avoids harvesting of stumps and roots, degradation of primary forests, ***and of old growth forests as defined in the country where the forest is located***, or their conversion into plantation forests, and harvesting on vulnerable soils, that harvesting ***is carried out in compliance with maximum thresholds for large clear-cuts as defined in the country where the forest is located and with locally and ecologically appropriate retention*** thresholds for deadwood extraction and that harvesting ***is carried out in compliance with*** requirements to use logging systems that minimise any adverse impact on soil quality, including soil compaction, and on biodiversity features and habitats:’;

(ii) ***in point (a), the following points are added:***

***‘(vi) that forests in which the forest biomass is harvested do not stem from the lands that have the statuses referred to in paragraph 3, points (a), (b), (d) and (e), paragraph 4, point (a), and paragraph (5), respectively under the same conditions of determination of the status of land specified in those paragraphs; and***

*(vii) that installations producing biofuels, bioliquids and biomass fuels from forest biomass, issue a statement of assurance, underpinned by company-level internal processes, for the purpose of the audits conducted pursuant to Article 30(3), that the forest biomass is not sourced from the lands referred to in point (vi) of this subparagraph.’;*

*(iii) in point (b), points (iii) and (iv) are replaced by the following:*

*‘(iii) that areas designated by international or national law or by the relevant competent authority for nature protection purposes, including in wetlands, grassland, heathland and peatlands, are protected with the aim of preserving biodiversity and preventing habitat destruction, unless evidence is provided that the harvesting of that raw material does not interfere with those nature protection purposes;*

- (iv) that harvesting is carried out considering maintenance of soil quality and biodiversity, in ***accordance with sustainable forest management principles***, with the aim of ***preventing*** any adverse impact, in a way that avoids harvesting of stumps and roots, degradation of primary forests, ***and of old growth forests as defined in the country where the forest is located***, or their conversion into plantation forests, and harvesting on vulnerable soils, ***that harvesting is carried out in compliance with maximum thresholds for large clear-cuts as defined in the country where the forest is located, and with locally and ecologically appropriate retention*** thresholds for deadwood extraction and that harvesting ***is carried out in compliance with*** requirements to use logging systems that minimise any adverse impact on soil quality, including soil compaction, and on biodiversity features and habitats; ***and***';

**(f) the following paragraphs are inserted:**

**‘7a. The production of biofuels, bioliquids and biomass fuels from domestic forest biomass shall be consistent with Member States’ commitments and targets laid down in Article 4 of Regulation (EU) 2018/841 of the European Parliament and of the Council\* and with the policies and measures described by the Member States in their integrated national energy and climate plans submitted pursuant to Articles 3 and 14 of Regulation (EU) 2018/1999.**

**7b. As part of their final updated integrated national energy and climate plan to be submitted by 30 June 2024 pursuant to Article 14(2) of Regulation (EU) 2018/1999, Member States shall include all of the following:**

**(a) an assessment of the domestic supply of forest biomass available for energy purposes in 2021-2030 in accordance with the criteria laid down in this Article;**

- (b) *an assessment of the compatibility of the projected use of forest biomass for the production of energy with the Member States' targets and budgets for 2026 to 2030 laid down in Article 4 of Regulation (EU) 2018/841; and*
- (c) *a description of the national measures and policies ensuring compatibility with those targets and budgets.*

*Member States shall report to the Commission on the measures and policies referred in the first subparagraph, point (c), of this paragraph as part of their integrated national energy and climate progress reports submitted pursuant to Article 17 of Regulation (EU) 2018/1999.*

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\* *Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU (OJ L 156, 19.6.2018, p. 1).';*



- (g) in paragraph 10, first subparagraph, point (d) is replaced by the following:
- ‘(d) ■ for electricity, heating and cooling production from biomass fuels used in installations *that started operating after ... [the date of entry into force of this amending Directive],* at least 80 % ■ ;
  - (e) *for electricity, heating and cooling production from biomass fuels used in installations with a total rated thermal input equal to or exceeding 10 MW that started operating between 1 January 2021 and ... [the date of entry into force of this amending Directive], at least 70 % until 31 December 2029, and at least 80 % from 1 January 2030;*
  - (f) *for electricity, heating and cooling production from gaseous biomass fuels used in installations with a total rated thermal input equal to or lower than 10 MW that started operating between 1 January 2021 and ... [the date of entry into force of this amending Directive], at least 70 % before they have been operating for 15 years, and at least 80 % after they have been in operation for 15 years;*

- (g) *for electricity, heating and cooling production from biomass fuels used in installations with a total rated thermal input equal to or exceeding 10 MW that started operating before 1 January 2021, at least 80 % after they have been operating for 15 years, at the earliest from 1 January 2026 and at the latest from 31 December 2029;***
- (h) *for electricity, heating and cooling production from gaseous biomass fuels used in installations with a total rated thermal input equal to or lower than 10 MW that started operating before 1 January 2021, at least 80 % after they have been operating for 15 years and at the earliest from 1 January 2026.’;***
- (h) *in paragraph 13, points (a) and (b) are replaced by the following:***
- ‘(a) installations located in an outermost region as referred to in Article 349 TFEU to the extent that such facilities produce electricity or heating or cooling from biomass fuels and bioliquids or produce biofuels; and***

*(b) biomass fuels and bioliquids used in the installations referred to in point (a) of this subparagraph and biofuels produced in those installations, irrespective of the place of origin of that biomass, provided that such criteria are objectively justified on the grounds that their aim is to ensure, for that outermost region, access to safe and secure energy and a smooth phase-in of the criteria laid down in paragraphs 2 to 7 and 10 and 11 of this Article and thereby incentivise the transition from fossil fuels to sustainable biofuels, bioliquids and biomass fuels.’;*

*(i) the following paragraph is added:*

*‘15. Until 31 December 2030, energy from biofuels, bioliquids and biomass fuels may also be taken into account for the purposes referred to in paragraph 1, first subparagraph, points (a), (b) and (c), of this Article, where:*

*(a) support was granted before ... [ the date of entry into force of this amending Directive], in accordance with the sustainability and greenhouse gas emissions saving criteria set out in Article 29 in its version in force on 29 September 2020; and*

*(b) support was granted in the form of a long-term support for which a fixed amount has been determined at the start of the support period and provided that a correction mechanism to ensure the absence of overcompensation is in place.’;*

(20) the following article ■ is inserted:

‘Article 29a

Greenhouse gas emissions saving criteria for renewable fuels of non-biological origin and recycled carbon fuels

1. Energy from renewable fuels of non-biological origin shall be counted towards Member States’ shares of renewable energy and the targets referred to in Articles 3(1), 15a(1), 22a(1), 23(1), 24(4) and 25(1) only if the greenhouse gas emissions savings from the use of those fuels are at least 70 %.
2. Energy from recycled carbon fuels may be counted towards the targets referred to in Article 25(1), first subparagraph, point (a), only if the greenhouse gas emissions savings from the use of those fuels are at least 70 %.

3. The Commission is empowered to adopt delegated acts in accordance with Article 35 to supplement this Directive by specifying the methodology for assessing greenhouse gas emissions savings from renewable fuels of non-biological origin and from recycled carbon fuels. The methodology shall ensure that credit for avoided emissions is not given for CO<sub>2</sub> *from fossil sources* the capture of which has already received an emission credit under other provisions of law. ***The methodology shall cover the life-cycle greenhouse gas emissions and consider indirect emissions resulting from the diversion of rigid inputs such as wastes used for the production of recycled carbon fuels.***;

(21) Article 30 is amended as follows:

(a) in paragraph 1, first subparagraph, the introductory phrase is replaced by the following:

‘Where renewable fuels and recycled carbon fuels are to be counted towards the targets referred to in Article 3(1), Article 15a(1), Article 22a(1), Article 23(1), Article 24(4) and Article 25(1), Member States shall require economic operators to show, by means of ***mandatory independent and transparent audits, in accordance with the implementing act adopted pursuant to paragraph 8 of this Article***, that the sustainability and greenhouse gas emissions saving criteria laid down in Article 29(2) to (7) and (10) and ***Article 29a(1) and (2)*** for renewable fuels and recycled-carbon fuels have been fulfilled. ***To that end***, they shall require economic operators to use a mass balance system which:’;

(b) paragraph 2 is replaced by the following:

‘2. Where a consignment is processed, information on the sustainability and greenhouse gas emissions saving characteristics of the consignment shall be adjusted and assigned to the output in accordance with the following rules:

- (a) when the processing of a consignment of raw material yields only one output that is intended for the production of biofuels, bioliquids or biomass fuels, renewable fuels of non-biological origin, or recycled carbon fuels, the size of the consignment and the related quantities of sustainability and greenhouse gas emissions saving characteristics shall be adjusted applying a conversion factor representing the ratio between the mass of the output that is intended for such production and the mass of the raw material entering the process;
- (b) when the processing of a consignment of raw material yields more than one output that is intended for the production of biofuels, bioliquids or biomass fuels, renewable fuels of non-biological origin, or recycled carbon fuels, for each output a separate conversion factor shall be applied and a separate mass balance shall be used.’;

- (c) in paragraph 3, the first and second subparagraphs are replaced by the following:

‘Member States shall take measures to ensure that economic operators submit reliable information regarding the compliance with the sustainability and greenhouse gas emissions saving criteria laid down in Article 29(2) to (7) and (10) and Article 29a(1) and (2), and that economic operators make available to the relevant Member State, upon request, the data used to develop that information. ***Member States shall require economic operators to arrange for an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. In order to comply with Article 29(3), points (a), (b), (d) and (e), Article 29(4), point (a), Article 29(5), Article 29(6), point (a), and Article 29(7), point (a), the first or second party auditing may be used up to the first gathering point of the forest biomass. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud, including verification ensuring that materials are not intentionally modified or discarded so that the consignment or part thereof could become a waste or residue. The auditing shall also evaluate the frequency and methodology of sampling and the robustness of the data.***

The obligations laid down in this paragraph shall apply regardless of whether renewable fuels and recycled carbon fuels are produced within *or are imported into* the Union ■ . Information about the geographic origin and feedstock type of biofuels, bioliquids and biomass fuels per fuel supplier shall be made available to consumers *in an up-to-date, easily accessible, and user-friendly manner* on the websites of operators, suppliers or the relevant competent authorities and shall be updated on an annual basis.’;



(d) in paragraph 4, the first subparagraph is replaced by the following:

‘The Commission may decide that voluntary national or international schemes setting standards for the production of renewable fuels and recycled carbon fuels, provide accurate data on greenhouse gas emissions savings for the purposes of Article 29(10) and Article 29a(1) and (2), demonstrate compliance with Article 27(6) and Article 31a(5), or demonstrate that consignments of biofuels, bioliquids and biomass fuels comply with the sustainability criteria laid down in Article 29(2) to (7). When demonstrating that the criteria laid down in Article 29(6) and (7) are met, the operators may provide the required evidence directly at sourcing area level. The Commission may recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 29(3), first subparagraph, point (c)(ii).’;

(e) paragraph 6 is replaced by the following:

‘6. Member States may set up national schemes where compliance with the sustainability and greenhouse gas emissions saving criteria laid down in *Article* 29(2) to (7) and (10) and *Article* 29a(1) and (2), in accordance with the methodology developed under Article 29a(3), is verified throughout the entire chain of custody involving competent authorities. Those schemes may also be used to verify the accuracy and completeness of the information included by economic operators in the Union database, to demonstrate compliance with Article 27(6) and for the certification of biofuels, bioliquids and biomass fuels with low indirect land-use change-risk.

A Member State may notify such a national scheme to the Commission. The Commission shall give priority to the assessment of such a scheme in order to facilitate mutual bilateral and multilateral recognition of those schemes. The Commission may decide, by means of implementing acts, whether such a notified national scheme complies with the conditions laid down in this Directive. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(3).

Where the *Commission decides that the national scheme complies with conditions laid down in this Directive*, other schemes recognised by the Commission in accordance with this Article shall not refuse mutual recognition with that Member State's national scheme as regards verification of compliance with the criteria for which it has been recognised by the Commission.

For installations producing electricity, heating and cooling with a total rated thermal input between **7,5** and **20** MW, Member States *may* establish simplified national verification schemes to ensure the fulfilment of the sustainability and greenhouse gas emissions saving criteria set out in Article 29(2) to (7) and (10). *For the same installations, the implementing acts provided for in paragraph 8 of this Article shall set out the uniform conditions for simplified voluntary verification schemes to ensure the fulfilment of the sustainability and greenhouse gas emissions saving criteria set out in Article 29(2) to (7) and (10).*';

(f) in paragraph 9, the first subparagraph is replaced by the following:

‘Where an economic operator provides evidence or data obtained in accordance with a scheme that has been the subject of a decision pursuant to paragraph 4 or 6, a Member State shall not require the economic operator to provide further evidence of compliance with the elements covered by the scheme for which the scheme has been recognised by the Commission.’;

(g) paragraph 10 is replaced by the following:

‘At the request of a Member State, which may be based on the request of an economic operator, the Commission shall, on the basis of all available evidence, examine whether the sustainability and greenhouse gas emissions saving criteria laid down in Article 29(2) to (7) and (10) and Article 29a(1) and (2) in relation to a source of renewable fuels and recycled carbon fuels have been met.

Within six months of receipt of such a request, the Commission shall, by means of implementing acts, decide whether the Member State concerned may either:

- (a) take into account the renewable fuels and recycled carbon fuels from that source for the purposes referred to in **■** points (a), (b) and (c) of the first subparagraph of Article 29(1); or
- (b) by way of derogation from paragraph 9**■**, require suppliers of the source of renewable fuels and recycled carbon fuels to provide further evidence of compliance with those sustainability and greenhouse gas emissions saving criteria and those greenhouse gas emissions savings thresholds.

The implementing acts referred to in the second subparagraph of this paragraph shall be adopted in accordance with the examination procedure referred to in Article 34(3).’;

**■**

(22) the following *article* is inserted:

‘Article 31a

Union database

1. ***By ... [1 year after the date of entry into force of this amending Directive], the Commission shall ensure that a Union database is set up to enable the tracing of liquid and gaseous renewable fuels and recycled carbon fuels (the ‘Union database’).***
2. Member States shall require the relevant economic operators to enter in a timely manner accurate data into ***the Union*** database on the transactions made and the sustainability characteristics of the fuels subject to those transactions, including their life-cycle greenhouse gas emissions, starting from their point of production to the moment they are ***placed on the market in the Union. For the purpose of entering data into the Union database, the interconnected gas system shall be considered to be a single mass balance system. Data on the injection and withdrawal of renewable gaseous fuels shall be provided*** in the ***Union database***. Data on whether support has been provided for the production of a specific consignment of fuel, and if so, on the type of support scheme, shall also be entered into the ***Union*** database. ***Those data may be entered into the Union database via national databases.***

Where appropriate *for the purpose of improving the* traceability of data along the entire supply chain, the Commission is empowered to adopt delegated acts in accordance with Article 35 to *supplement this Directive by further extending* the scope of the data to be included in the Union database to cover relevant data from the point of production or collection of the raw material used for the fuel production.

Member States shall require fuel suppliers to enter the data necessary to verify compliance with the requirements laid down in Article 25(1), first subparagraph, into the Union database.

*Notwithstanding the first, second and third subparagraphs, for gaseous fuels injected into the Union's interconnected gas infrastructure, economic operators shall, in the event that the Member State decides to complement a mass balance system by a system of guarantees of origin, enter into the Union database data on the transactions made and on the sustainability characteristics and other relevant data, such as greenhouse gas emissions of the fuels up to the injection point to the interconnected gas infrastructure .*

3. Member States shall have access to the Union database for the purposes of monitoring and data verification.

4. **Where** guarantees of origin have been issued for the production of a consignment of renewable gas, Member States shall ensure that those guarantees of origin are **transferred to the Union database at the moment when a consignment of renewable gas is registered in the Union database and are cancelled after** the consignment of renewable gas **is withdrawn from the Union's interconnected gas infrastructure. Such guarantees of origin, once transferred, shall not be tradable outside the Union** database.
5. Member States shall ensure **in their national legal framework** that the accuracy and completeness of the **data entered** by economic operators into the database is verified, for instance by using **certification bodies in the framework of** voluntary or national schemes **recognised by the Commission pursuant to Article 30(4), (5) and (6) and which may be complemented by a system of guarantees of origin.**

**Such** voluntary or national schemes **■** may use third-party data systems as intermediaries to collect the data, provided that such use has been notified to the Commission.



*Each Member State may use an already existing national database aligned to and linked with the Union database via an interface, or establish a national database, which can be used by economic operators as a tool for collecting and declaring data and for entering and transferring those data into the Union database, provided that:*

- (a) the national database complies with the Union database including in terms of the timeliness of data transmission, the typology of data sets transferred, and the protocols for data quality and data verification;*
- (b) Member States ensure that the data entered into the national database are instantly transferred to the Union database.*

*Member States may establish national databases in accordance with national law or practice, such as to take into account stricter national requirements, as regards sustainability criteria. Such national databases shall not hinder the overall traceability of sustainable consignments of raw materials or fuels to be entered into the Union database in accordance with this Directive.*

*The verification of the quality of the data entered into the Union database by means of national databases, the sustainability characteristics of the fuels related to those data, and the final approval of transactions shall be carried out through the Union database alone. The accuracy and completeness of those data shall be verified in accordance with Commission Implementing Regulation (EU) 2022/996\*. They may be checked by certification bodies.*

*Member States shall notify the detailed features of their national database to the Commission. Following that notification, the Commission shall assess whether the national database complies with the requirements laid down in the third subparagraph. If that is not the case, the Commission may require Member States to take appropriate steps to ensure compliance with those requirements.*

6. *Aggregated data from the Union database shall be made publicly available, with due regard to the protection of commercially sensitive information, and shall be kept up-to-date. The Commission shall publish and make publicly available annual reports about the data contained in the Union database, including the quantities, the geographical origin and feedstock type of fuels.*

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\* *Commission Implementing Regulation (EU) 2022/996 of 14 June 2022 on rules to verify sustainability and greenhouse gas emissions saving criteria and low indirect land-use change-risk criteria (OJ L 168, 27.6.2022, p. 1).’;*

**(23) Article 33 is amended as follows:**

**(a) paragraph 3 is amended as follows:**

**(i) the first subparagraph is replaced by the following:**

***‘By 31 December 2027, the Commission shall submit, if appropriate, a legislative proposal on the regulatory framework for the promotion of energy from renewable sources for the period after 2030.’;***

**(ii) the following subparagraph is added:**

***‘When preparing the legislative proposal referred to in the first subparagraph of this paragraph the Commission shall take into account, where appropriate:***

**(a) *the advice of the European Scientific Advisory Board on Climate Change established under Article 10a of Regulation (EC) No 401/2009 of the European Parliament and of the Council\**;**

**(b) *the projected indicative Union greenhouse gas budget as set out in Article 4(4) of Regulation (EU) 2021/1119 of the European Parliament and of the Council\*\**;**

- (c) *the integrated national energy and climate plans submitted by Member States by 30 June 2024 pursuant to Article 14(2) of Regulation (EU) 2018/1999;*
- (d) *the experience gained by the implementation of this Directive, including its sustainability and greenhouse gas emissions saving criteria; and*
- (e) *technological developments in energy from renewable sources.*

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\* *Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network (OJ L 126, 21.5.2009, p. 13).*

\*\* *Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1)';*

**(b) the following paragraph is inserted:**

**‘(3a) The Commission shall assess the application of the obligations laid down in Article 29(7a) and (7b) and their impact on ensuring the sustainability of biofuels, bioliquids and biomass fuels.’;**

(24) Article 35 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘2. The power to adopt delegated acts referred to in Article 8(3), second subparagraph, **■**, Article 26(2), fourth subparagraph, Article 26(2) fifth subparagraph, Article 27(3), Article 27(4), Article 27(6), fourth subparagraph, Article 28(5), Article 28(6), second subparagraph, **Article 29a(3)**, Article 31(5), second subparagraph, and Article 31a(2), second subparagraph, shall be conferred on the Commission for a period of five years from ... [the **date of** entry into force of this amending Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.’;

(b) paragraph 4 is replaced by the following:

‘4. The delegation of power referred to in Article 7(3), fifth subparagraph, Article 8(3), second subparagraph, ■ Article 26(2), fourth subparagraph, Article 26(2) fifth subparagraph, Article 27(3), article 27(4), Article 27(6), fourth subparagraph, Article 28(5), Article 28(6), second subparagraph, **Article 29a(3)**, Article 31(5), and Article 31a(2), second subparagraph, may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.’;

(c) paragraph 7 is replaced by the following:

‘7. A delegated act adopted pursuant to Article 7(3), fifth subparagraph, Article 8(3), second subparagraph, ■ Article 26(2), fourth subparagraph, Article 26(2) fifth subparagraph, Article 27(3), Article 27(4), Article 27(6), fourth subparagraph, Article 28(5), Article 28(6), second subparagraph, **Article 29a(3)**, Article 31(5), **or** Article 31a(2), second subparagraph, shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.’;

(25) the Annexes are amended in accordance with the Annexes to this Directive.



Article 2  
Amendments to Regulation (EU) 2018/1999

**Regulation (EU) 2018/1999 is amended as follows:**

(1) Article 2 is amended as follows:

(a) point (11) is replaced by the following:

‘(11) ‘the Union's 2030 targets for energy and climate’ means the Union-wide binding target **for reducing** greenhouse gas emissions **in 2030 referred to in Article 4(1) of Regulation (EU) 2021/1119**, the Union's binding target for renewable energy for 2030 ■ set in Article 3(1) of Directive (EU) 2018/2001, the Union-level ■ target ■ for improving energy efficiency in 2030 ■ **referred to in Article 4(1) of Directive (EU) .../... of the European Parliament and of the Council**<sup>+</sup>, and the 15 % electricity interconnection target for 2030 or any subsequent targets in that regard agreed by the European Council or by the European Parliament and by the Council for 2030.

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\* **Directive (EU) .../... of the European Parliament and of the Council of ... on energy efficiency and amending Regulation (EU) 2023/955 (OJ L ...).**’;

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<sup>+</sup> **OJ: Please insert in the text the number of the Directive contained in document PE-CONS 15/23 (2021/0203(COD)) and insert the number, date, title and OJ reference of that Directive in the footnote.**

(b) in point 20, point (b) is replaced by the following:

‘(b) in the context of Commission recommendations based on the assessment pursuant to Article 29(1), point (b), with regard to energy from renewable sources, a Member State's early implementation of its contribution to the Union's binding target for renewable energy for 2030 ■ set in Article 3(1) of Directive (EU) 2018/2001 as measured against its national reference points for renewable energy;’;

(2) in Article 4, point (a)(2) is replaced by the following:

‘(2) with respect to renewable energy:

With a view to achieving the Union's binding target for renewable energy for 2030 set in Article 3(1) of Directive (EU) 2018/2001, a contribution to that target in terms of the Member State's share of energy from renewable sources in gross final consumption of energy in 2030, with an indicative trajectory for that contribution from 2021 onwards. By 2022, the indicative trajectory shall reach a reference point of at least 18 % of the total increase in the share of energy from renewable sources between that Member State's binding 2020 national target, and its contribution to the 2030 target. By 2025, the indicative trajectory shall reach a reference point of at least 43 % of the total increase in the share of energy from renewable sources between that Member State's binding 2020 national target and its contribution to the 2030 target. By 2027, the indicative trajectory shall reach a reference point of at least 65 % of the total increase in the share of energy from renewable sources between that Member State's binding 2020 national target and its contribution to the 2030 target.

By 2030, the indicative trajectory shall reach at least the Member State's planned contribution. If a Member State expects to surpass its binding 2020 national target, its indicative trajectory may start at the level it is projected to achieve. The Member States' indicative trajectories, taken together, shall add up to the Union reference points in 2022, 2025 and 2027 and to the Union's binding target for renewable energy for 2030 set in Article 3(1) of Directive (EU) 2018/2001. Separately from its contribution to the Union target and its indicative trajectory for the purposes of this Regulation, a Member State shall be free to indicate higher ambitions for national policy purposes.';

(3) in Article 5, paragraph 2 is replaced by the following:

- '2. Member States shall collectively ensure that the sum of their contributions amounts to at least the level of the Union's binding target for renewable energy for 2030 set in Article 3(1) of Directive (EU) 2018/2001.';

(4) in Article 29, paragraph 2 is replaced by the following:

- ‘2. In the area of renewable energy, as part of its assessment referred to in paragraph 1, the Commission shall assess the progress made in the share of energy from renewable sources in the Union's gross final consumption of energy on the basis of an indicative Union trajectory that starts from 20 % in 2020, reaches reference points of at least 18 % in 2022, 43 % in 2025 and 65 % in 2027 of the total increase in the share of energy from renewable sources between the Union's 2020 renewable energy target and the Union's 2030 renewable energy target, and reaches the Union's binding target for renewable energy for 2030 set in Article 3(1) of Directive (EU) 2018/2001.’.

Article 3  
Amendments to Directive 98/70/EC

Directive 98/70/EC is amended as follows:

(1) Article 1 is replaced by the following:

‘Article 1

Scope

This Directive sets, in respect of road vehicles, and non-road mobile machinery, including inland waterway vessels when not at sea ■ , agricultural and forestry tractors, and recreational craft when not at sea, technical specifications on health and environmental grounds for fuels to be used with positive ignition and compression-ignition engines, taking account of the technical requirements of those engines.’;

(2) in Article 2, points 8 and 9 are replaced by the following:

- ‘8. ‘supplier’ means fuel supplier as defined in Article 2, second paragraph, point (38), of Directive (EU) 2018/2001 of the European Parliament and of the Council\*;
- 9. ‘biofuels’ means biofuels as defined in Article 2, second paragraph, point (33), of Directive (EU) 2018/2001;

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\* ***Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).***;

(3) Article 4 is amended as follows:

(a) in paragraph 1, the second subparagraph is replaced by the following:

‘Member States shall require suppliers to ensure the placing on the market of diesel with a fatty acid methyl ester (FAME) content of up to 7 %.’;

(b) paragraph 2 is replaced by the following:

‘2. Member States shall ensure that the maximum permissible sulphur content of gas oils intended for use by non-road mobile machinery, including inland waterway vessels ■, agricultural and forestry tractors and recreational craft is 10 mg/kg. Member States shall ensure that liquid fuels other than those gas oils may be used in inland waterway vessels and recreational craft only if the sulphur content of those liquid fuels does not exceed the maximum permissible content of those gas oils.’;

(4) Articles 7a to 7e are deleted;

(5) Article 9 is amended as follows:

(a) in paragraph 1, points (g), (h), (i) and (k) are deleted;

(b) paragraph 2 is deleted;

(6) Annexes I, II, IV and V are amended in accordance with Annex II to this Directive.



Article 4  
Transitional provisions

1. Member States shall ensure that the data collected and reported to the authority designated by the Member State with respect to the year 2023 or a part thereof in accordance with Article 7a(1), third subparagraph, and Article 7a(7) of Directive 98/70/EC, which are deleted by Article 3, point (4), of this Directive, are submitted to the Commission.
2. The Commission shall include the data referred to in paragraph 1 of this Article in any report it is obliged to submit under Directive 98/70/EC.

Article 5  
Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... ***[18 months after the date of entry into force of this amending Directive].*** ■ .

***By way of derogation from the first subparagraph of this paragraph, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1, point (6), with regard to Article 15e of Directive (EU) 2018/2001, and Article 1, point (7), with regard to Articles 16, 16b, 16c, 16d, 16e and 16f of that Directive, by 1 July 2024.***

They shall immediately inform the Commission of those measures.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main *measures* of national law which they adopt in the field covered by this Directive.

Article 6

Repeal

Council Directive (EU) 2015/652 ■ is repealed with effect from 1 January 2025.

Article 7

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Directive is addressed to the Member States.

Done at ■ ...,

*For the European Parliament*

*The President*

*For the Council*

*The President*

## ANNEX I

The Annexes to Directive (EU) 2018/2001 are amended as follows:

- (1) in Annex I, the final row in the table is deleted;
- (2) the following Annex **I** is inserted:

**‘ANNEX IA’**

**NATIONAL HEATING AND COOLING SHARES OF ENERGY FROM  
RENEWABLE SOURCES IN GROSS FINAL CONSUMPTION OF ENERGY FOR  
2020-2030**

	<i>Additional top-ups to Article 23(1) (in percentage points) for the period 2021-2025*</i>	<i>Additional top-ups to Article 23(1) (in percentage points) for the period 2026-2030**</i>	<i>Resulting shares including top-ups without waste heat and cold (in percentage points)</i>
<b>Belgium</b>	<i>1,0</i>	<i>0,7</i>	<i>1,8</i>
<b>Bulgaria</b>	<i>0,7</i>	<i>0,4</i>	<i>1,5</i>
<b>Czechia</b>	<i>0,8</i>	<i>0,5</i>	<i>1,6</i>
<b>Denmark</b>	<i>1,2</i>	<i>1,1</i>	<i>1,6</i>
<b>Germany</b>	<i>1,0</i>	<i>0,7</i>	<i>1,8</i>
<b>Estonia</b>	<i>1,3</i>	<i>1,2</i>	<i>1,7</i>
<b>Ireland</b>	<i>2,3</i>	<i>2,0</i>	<i>3,1</i>
<b>Greece</b>	<i>1,3</i>	<i>1,0</i>	<i>2,1</i>
<b>Spain</b>	<i>0,9</i>	<i>0,6</i>	<i>1,7</i>

<b>France</b>	<i>1,3</i>	<i>1,0</i>	<i>2,1</i>
<b>Croatia</b>	<i>0,8</i>	<i>0,5</i>	<i>1,6</i>
<b>Italy</b>	<i>1,1</i>	<i>0,8</i>	<i>1,9</i>
<b>Cyprus</b>	<i>0,8</i>	<i>0,5</i>	<i>1,6</i>
<b>Latvia</b>	<i>0,7</i>	<i>0,6</i>	<i>1,1</i>
<b>Lithuania</b>	<i>1,7</i>	<i>1,6</i>	<i>2,1</i>
<b>Luxembourg</b>	<i>2,3</i>	<i>2,0</i>	<i>3,1</i>
<b>Hungary</b>	<i>0,9</i>	<i>0,6</i>	<i>1,7</i>
<b>Malta</b>	<i>0,8</i>	<i>0,5</i>	<i>1,6</i>
<b>Netherlands</b>	<i>1,1</i>	<i>0,8</i>	<i>1,9</i>
<b>Austria</b>	<i>1,0</i>	<i>0,7</i>	<i>1,8</i>
<b>Poland</b>	<i>0,8</i>	<i>0,5</i>	<i>1,6</i>
<b>Portugal</b>	<i>0,7</i>	<i>0,4</i>	<i>1,5</i>
<b>Romania</b>	<i>0,8</i>	<i>0,5</i>	<i>1,6</i>
<b>Slovenia</b>	<i>0,8</i>	<i>0,5</i>	<i>1,6</i>

<b>Slovakia</b>	<i>0,8</i>	<i>0,5</i>	<i>1,6</i>
<b>Finland</b>	<i>0,6</i>	<i>0,5</i>	<i>1,0</i>
<b>Sweden</b>	<i>0,7</i>	<i>0,7</i>	<i>0,7</i>

\* *The flexibilities of Article 23(2), points (b) and (c), where they were taken into account when calculating the top-ups and resulting shares.*

\*\* *The flexibilities of Article 23(2), points (b) and (c), where they were taken into account when calculating the top-ups and resulting shares.’;*

(3) Annex III is replaced by the following:

***‘ANNEX III***

**ENERGY CONTENT OF FUELS**

Fuel	Energy content by weight (lower calorific value, MJ/kg)	Energy content by volume (lower calorific value, MJ/l)
FUELS FROM BIOMASS AND/OR BIOMASS PROCESSING OPERATIONS		
Bio-Propane	46	24
Pure vegetable oil (oil produced from oil plants through pressing, extraction or comparable procedures, crude or refined but chemically unmodified)	37	34
Biodiesel - fatty acid methyl ester (methyl-ester produced from oil of biomass origin)	37	33
Biodiesel - fatty acid ethyl ester (ethyl-ester produced from oil of biomass origin)	38	34
Biogas that can be purified to natural gas quality	50	—

Hydrotreated (thermochemically treated with hydrogen) oil of biomass origin, to be used for replacement of diesel	44	34
Hydrotreated (thermochemically treated with hydrogen) oil of biomass origin, to be used for replacement of petrol	45	30
Hydrotreated (thermochemically treated with hydrogen) oil of biomass origin, to be used for replacement of jet fuel	44	34
Hydrotreated oil (thermochemically treated with hydrogen) of biomass origin, to be used for replacement of liquefied petroleum gas	46	24
Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin to be used for replacement of diesel	43	36
Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin, to be used to replace petrol	44	32
Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin, to be used to replace jet fuel	43	33



Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin, to be used to replace liquefied petroleum gas	46	23
<b>RENEWABLE FUELS THAT CAN BE PRODUCED FROM VARIOUS RENEWABLE SOURCES, INCLUDING BIOMASS</b>		
Methanol from renewable sources	20	16
Ethanol from renewable sources	27	21
Propanol from renewable sources	31	25
Butanol from renewable sources	33	27
Fischer-Tropsch diesel (a synthetic hydrocarbon or mixture of synthetic hydrocarbons to be used for replacement of diesel)	44	34
Fischer-Tropsch petrol (a synthetic hydrocarbon or mixture of synthetic hydrocarbons produced from biomass, to be used for replacement of petrol)	44	33
Fischer-Tropsch jet fuel (a synthetic hydrocarbon or mixture of synthetic hydrocarbons produced from biomass, to be used for replacement of jet fuel)	44	33

Fischer-Tropsch liquefied petroleum gas (a synthetic hydrocarbon or mixture of synthetic hydrocarbons, to be used for replacement of liquefied petroleum gas)	46	24
DME (dimethylether)	28	19
Hydrogen from renewable sources	120	—
ETBE (ethyl-tertio-butyl-ether produced on the basis of ethanol)	36 (of which 33 % from renewable sources)	27 (of which 33 % from renewable sources)
MTBE (methyl-tertio-butyl-ether produced on the basis of methanol)	35 (of which 22 % from renewable sources)	26 (of which 22 % from renewable sources)
TAAE (tertiary-amyl-ethyl-ether produced on the basis of ethanol)	38 (of which 29 % from renewable sources)	29 (of which 29 % from renewable sources)
TAME (tertiary-amyl-methyl-ether produced on the basis of methanol)	36 (of which 18 % from renewable sources)	28 (of which 18 % from renewable sources)
THxEE (tertiary-hexyl-ethyl-ether produced on the basis of ethanol)	38 (of which 25 % from renewable sources)	30 (of which 25 % from renewable sources)

THxME (tertiary-hexyl-methyl-ether produced on the basis of methanol)	38 of which 14 % from renewable sources)	30 (of which 14 % from renewable sources)
NON-RENEWABLE FUELS		
Petrol	43	32
Diesel	43	36
<i>Jet fuel</i>	<i>43</i>	<i>34</i>
Hydrogen from non-renewable sources	120	—

;

(4) Annex IV is amended as follows:

(a) the title is replaced by the following:

‘TRAINING AND CERTIFICATION OF INSTALLERS AND DESIGNERS OF RENEWABLE *ENERGY* INSTALLATIONS’

(b) the introductory sentence and the points 1, 2 and 3 are replaced by the following:

‘The certification *or equivalent qualification* schemes and training programmes referred to in Article 18(3) shall be based on the following criteria:

1. The certification *or equivalent qualification* process shall be transparent and clearly defined by the Member States or by the administrative body that they appoint.
  - 1a. The certificates issued by certification bodies shall be clearly defined and easy to identify for workers and professionals seeking certification.
  - 1b. The certification process shall enable installers to *acquire the necessary theoretical and practical knowledge and guarantee the existence of skills needed to* put in place high quality installations that operate reliably.

2. Installers of **systems using** biomass, heat pump, shallow geothermal, solar photovoltaic and solar thermal energy, **including energy storage, and recharging points** shall be certified by an accredited training programme or training provider **or equivalent qualification schemes.**
3. The accreditation of the training programme or provider shall be effected by Member States or by the administrative body that they appoint. The accrediting body shall ensure that the training, **including upskilling and reskilling programmes**, offered by the training provider **are inclusive and have** continuity and regional or national coverage.

The training provider shall have adequate technical facilities to provide practical training, including sufficient laboratory equipment or corresponding facilities to provide practical training.

The training provider shall offer, in addition to the basic training, shorter refresher and upskilling courses organised in training modules allowing installers and designers to add new competences, widen and diversify their skills across several types of technology and their combinations. The training provider shall ensure adaptation of training to new renewable energy technology in the context of buildings, industry and agriculture. Training providers shall recognise acquired relevant skills.

The training programmes and modules shall be designed to enable life-long learning in renewable energy installations and be compatible with vocational training for first time job seekers and adults seeking reskilling or new employment.

The training programmes shall be designed in order to facilitate acquiring qualifications covering different types of technology and solutions and avoid limited specialisation in a specific brand or technology. The training provider may be the manufacturer of the equipment or system, institutes or associations.’;

*(c) point 5 is replaced by the following:*

***‘5. The training course shall end with an examination leading to a certificate or qualification. The examination shall include a practical assessment of successfully installing biomass boilers or stoves, heat pumps, shallow geothermal installations, solar photovoltaic or solar thermal installations, including energy storage, or recharging points, enabling demand response.’;***

(d) **█** point 6(c) *is amended as follows:*

(i) *the introductory wording is replaced by the following:*

*‘(c) The theoretical part of the heat pump installer training should give an overview of the market situation for heat pumps and cover geothermal energy sources and ground source temperatures of different regions, soil and rock identification for thermal conductivity, regulations on using geothermal energy sources, feasibility of using heat pumps in buildings and determining the most suitable heat pump system, and knowledge about their technical requirements, safety, air filtering, connection with the heat source and system layout, and integration with energy storage solutions, including in combination with solar installations. The training should also provide good knowledge of any European standards for heat pumps, and of relevant national and Union law. The installer should demonstrate the following key competences:’;*



(ii) *point (iii) is replaced by the following:*

*‘(iii) the ability to choose and size the components in typical installation situations, including determining the typical values of the heat load of different buildings and for hot water production based on energy consumption, determining the capacity of the heat pump on the heat load for hot water production, on the storage mass of the building and on interruptible current supply; determine energy storage solutions, including via the buffer tank component and its volume and integration of a second heating system;*

(iv) an understanding of feasibility and design studies;

(v) an understanding of drilling, in the case of geothermal heat pumps.’;

(e) *point 6(d) is amended as follows:*

(i) *the introductory wording is replaced by the following:*

*‘(d) The theoretical part of the solar photovoltaic and solar thermal installer training should give an overview of the market situation of solar products and cost and profitability comparisons, and cover ecological aspects, components, characteristics and dimensioning of solar systems, selection of accurate systems and dimensioning of components, determination of the demand for heat, options for integrating energy storage solutions, fire protection, related subsidies, as well as the design, installation and maintenance of solar photovoltaic and solar thermal installations. The training should also provide good knowledge of any European standards for technology, and certification such as Solar Keymark, and related national and Union law. The installer should demonstrate the following key competences:’;*

*(ii) point (ii) is replaced by the following:*

*‘(ii) the ability to identify systems and their components specific to active and passive systems, including the mechanical design, and to determine the location of the components, the system layout and the configuration, and options for the integration of energy storage solutions, including through combination with recharging stations.’;*

(5) in Annex V, part C is amended as follows:

(a) **point 6 is** replaced by the following:

**1**

6. For the purposes of the calculation referred to in point 1(a), greenhouse gas emissions savings from improved agriculture management,  $e_{sca}$ , such as shifting to reduced or zero-tillage, improved ***crops and crop rotation***, the use of cover crops, including crop residue management, and the use of organic soil improver, such as compost and manure fermentation digestate, shall be taken into account only if they do not risk to negatively affect biodiversity. Further, solid and verifiable evidence shall be provided that the soil carbon has increased or that it is reasonable to expect to have increased over the period in which the raw materials concerned were cultivated while taking into account the emissions where such practices lead to increased fertiliser and herbicide use\*.

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\* ***Measurements of soil carbon can constitute such evidence, e.g. by a first measurement in advance of the cultivation and subsequent ones at regular intervals several years apart. In such a case, before the second measurement is available, increase in soil carbon would be estimated on the basis of representative experiments or soil models. From the second measurement onwards, the measurements would constitute the basis for determining the existence of an increase in soil carbon and its magnitude.***;

(b) point 15 is *replaced by the following*:

***‘15. Emissions savings from CO<sub>2</sub> capture and replacement,  $e_{ccr}$ , shall be related directly to the production of the biofuels or bioliquids to which they are attributed, and shall be limited to emissions avoided through the capture of CO<sub>2</sub> of which the carbon originates from biomass and which is used to replace fossil-derived CO<sub>2</sub> in the production of commercial products and services before 1 January 2036.’;***

(c) point 18 is replaced by the following:

**‘18. For the purposes of the calculations referred to in point 17, the emissions to be divided shall be  $e_{ec} + e_l + e_{sca}$  + those fractions of  $e_p$ ,  $e_{td}$ ,  $e_{ccs}$  and  $e_{ccr}$  that take place up to and including the process step at which a co-product is produced. If any allocation to co-products has taken place at an earlier process step in the life-cycle, the fraction of those emissions assigned in the last such process step to the intermediate fuel product shall be used for those purposes instead of the total of those emissions. In the case of ***biofuels and bioliquids***, all co-products that do not fall under the scope of point 17 shall be taken into account for the purposes of that calculation. ■**

Co-products that have a negative energy content shall be considered to have an energy content of zero for the purposes of the calculation.

*As a general rule*, wastes and residues including all wastes and residues included in Annex IX shall be considered to have zero life-cycle greenhouse gas emissions up to the process of collection of those materials irrespectively of whether they are processed to interim products before being transformed into the final product. ■

In the case of biomass fuels produced in refineries, other than the combination of processing plants with boilers or cogeneration units providing heat and/or electricity to the processing plant, the unit of analysis for the purposes of the calculation referred to in point 17 shall be the refinery’;

(6) In Annex VI, part B is amended as follows:

(a) **point 6 is** replaced by the following:

**1**

6. For the purposes of the calculation referred to in point 1(a), greenhouse gas emissions savings from improved agriculture management,  $e_{sca}$ , such as shifting to reduced or zero-tillage, improved ***crops and crops rotation***, the use of cover crops, including crop residue management, and the use of organic soil improver, such as compost and manure fermentation digestate, shall be taken into account only if they do not risk to negatively affect biodiversity. Further, solid and verifiable evidence shall be provided that the soil carbon has increased or that it is reasonable to expect to have increased over the period in which the raw materials concerned were cultivated while taking into account the emissions where such practices lead to increased fertiliser and herbicide use\*.

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\* ***Measurements of soil carbon can constitute such evidence, e.g. by a first measurement in advance of the cultivation and subsequent ones at regular intervals several years apart. In such a case, before the second measurement is available, increase in soil carbon would be estimated on the basis of representative experiments or soil models. From the second measurement onwards, the measurements would constitute the basis for determining the existence of an increase in soil carbon and its magnitude.***;

(b) point 15 is *replaced by the following*:

***‘15. Emissions savings from CO<sub>2</sub> capture and replacement,  $e_{ccr}$ , shall be related directly to the production of biomass fuels to which they are attributed, and shall be limited to emissions avoided through the capture of CO<sub>2</sub> of which the carbon originates from biomass and which is used to replace fossil-derived CO<sub>2</sub> in the production of commercial products and services before 1 January 2036.’;***

(c) point 18 is replaced by the following:

‘18. For the purposes of the calculations referred to in point 17, the emissions to be divided shall be  $e_{ec} + e_l + e_{sca}$  + those fractions of  $e_p$ ,  $e_{td}$ ,  $e_{ccs}$  and  $e_{ccr}$  that take place up to and including the process step at which a co-product is produced. If any allocation to co-products has taken place at an earlier process step in the life-cycle, the fraction of those emissions assigned in the last such process step to the intermediate fuel product shall be used for those purposes instead of the total of those emissions.



In the case of biogas and biomethane, all co-products that do not fall under the scope of point 17 shall be taken into account for the purposes of that calculation. Co-products that have a negative energy content shall be considered to have an energy content of zero for the purposes of the calculation.

*As a general rule*, wastes and residues including all wastes and residues included in Annex IX shall be considered to have zero life-cycle greenhouse gas emissions up to the process of collection of those materials irrespectively of whether they are processed to interim products before being transformed into the final product.

In the case of biomass fuels produced in refineries, other than the combination of processing plants with boilers or cogeneration units providing heat and/or electricity to the processing plant, the unit of analysis for the purposes of the calculation referred to in point 17 shall be the refinery’;

- (7) in Annex VII, in the definition of ‘ $Q_{\text{usable}}$ ’, the reference to Article 7(4) is replaced by a reference to Article 7(3);
- (8) Annex IX is amended as follows:
- (a) in Part A, the introductory phrase is replaced by the following:
- ‘Feedstocks for the production of biogas for transport and advanced biofuels.’;
- (b) in Part B, the introductory phrase is replaced by the following:
- ‘Feedstocks for the production of biofuels and biogas for transport, the contribution of which towards the targets referred to in Article 25(1), first subparagraph, point (a), shall be limited to.’.

## ANNEX II

Annexes I, II, IV and V to Directive 98/70/EC are amended as follows:

(1) Annex I is amended as follows:

(a) footnote 1 is replaced by the following:

‘(1) Test methods shall be those specified in EN 228:2012+A1:2017. Member States may adopt the analytical method specified in replacement EN 228:2012+A1:2017 standard if it can be shown to give at least the same accuracy and at least the same level of precision as the analytical method it replaces.’;

(b) footnote 2 is replaced by the following:

‘(2) the values quoted in the specification are ‘true values’. In the establishment of their limit values, the terms of EN ISO 4259-1:2017/A1:2021 ‘Petroleum and related products — Precision of measurement methods and results – Part 1: Determination of precision data in relation to methods of test’ have been applied and in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R = reproducibility). The results of individual measurements shall be interpreted on the basis of the criteria described in EN ISO 4259-2:2017/A1:2019.’;

(c) footnote 6 is replaced by the following:

‘(6) Other mono-alcohols and ethers with a final boiling point no higher than that stated in EN 228:2012 +A1:2017.’;

(2) Annex II is amended as follows:

(a) in the last line of the table, ‘FAME content – EN 14078, the entry in the last column ‘Limits’ ‘Maximum’, ‘7,0’ is replaced by ‘10.0’;

(b) footnote 1 is replaced by the following:

‘(1) Test methods shall be those specified in EN 590:2013+A1:2017. Member States may adopt the analytical method specified in replacement EN 590:2013+A1:2017 standard if it can be shown to give at least the same accuracy and at least the same level of precision as the analytical method it replaces.’;

(c) footnote 2 is replaced by the following:

‘(2) The values quoted in the specification are ‘true values’. In the establishment of their limit values, the terms of EN ISO 4259-1:2017/A1:2021 ‘Petroleum and related products — Precision or measurement methods and results – Part 1: Determination of precision data in relation to methods of test’ have been applied and in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R = reproducibility). The results of individual measurements shall be interpreted on the basis of the criteria described in EN ISO 4259-2:2017/A1:2019.’;

(3) Annexes IV and V are deleted.

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